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Commission on Human Rights

Report on the fifty-ninth session

(17 March - 24 April 2003)

Part I[*]

(for use by members of the Economic and Social Council during its 2003 substantive session)

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CONTENTS

Chapter *Page*

I. Draft resolution and draft decisions recommended for adoption by the Economic and Social Council 13

A. *Draft resolution*

The right of everyone to the enjoyment of the highest attainable standard of physical and mental health 13

B. *Draft decisions*

1. Human rights situation of the Lebanese detainees in Israel 13
2. Situation of human rights in Myanmar 13
3. Situation of human rights in the Democratic Republic of the Congo 14
4. Situation of human rights in Burundi 14
5. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights 14
6. Effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights 15
7. The right to food 15
8. Adequate housing as a component of the right to an adequate standard of living 16
9. World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action 16

CONTENTS (*continued*)

Chapter *Page*

10. Question of arbitrary detention 17

11. Torture and other cruel, inhuman or degrading treatment or punishment 17

12. Question of enforced or involuntary disappearances 17

13. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers 18

14. Elimination of violence against women 18

15. Elimination of all forms of religious intolerance 18

16. Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994 19

17. Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights and the International Decade of the World's Indigenous People 19

18. Human rights defenders 19

19. Protection of human rights and fundamental freedoms while countering terrorism 19

20. Situation of human rights in Afghanistan 20

21. Assistance to Somalia in the field of human rights 20

22. Situation of human rights in Sierra Leone 20

23. Technical cooperation and advisory services in Liberia 21

24. The right to development 21

25. Situation of human rights in Iraq 21

26. Decision relating to Liberia under the procedure established in accordance with Economic and Social Council resolution 1503 (XLVIII) 21

CONTENTS (*continued*)

Chapter *Page*

27. The Social Forum 22

28. Discrimination in the criminal justice system 22

29. Housing and property restitution in the context of refugees and other displaced persons 22

30. Indigenous people's permanent sovereignty over natural resources 23

31. The prevention of human rights violations caused by the availability and misuse of small arms and light weapons 23

32. Organization of work of the sixtieth session of the Commission on Human Rights 23

33. Dates of the sixtieth session of the Commission on Human Rights 24

34. International Decade of the World's Indigenous People 24

II. Resolutions and decisions adopted by the Commission at its fifty-ninth session 25

A. *Resolutions*

2003/1. Question of Western Sahara 25

2003/2. The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination 27

2003/3. Situation in occupied Palestine 30

2003/4. Combating defamation of religions 31

2003/5. Human rights in the occupied Syrian Golan 34

2003/6. Question of the violation of human rights in the occupied Arab territories, including Palestine 36

2003/7. Israeli settlements in the occupied Arab territories 40

2003/8. Human rights situation of the Lebanese detainees in Israel 42

CONTENTS (*continued*)

Chapter *Page*

II. A. *Resolutions* (*continued*)

2003/9. Cooperation with representatives of United Nations human rights bodies 44

2003/10. Situation of human rights in the Democratic People's Republic of Korea 45

2003/11. Situation of human rights in Turkmenistan 48

2003/12. Situation of human rights in Myanmar 51

2003/13. Situation of human rights in Cuba 56

2003/14. Situation of human rights in Belarus 57

2003/15. Situation of human rights in the Democratic Republic of the Congo 58

2003/16. Situation of human rights in Burundi 63

2003/17. Human rights and unilateral coercive measures 68

2003/18. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights 70

2003/19. The right to education 76

2003/20. Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights 80

2003/21. Effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights 84

2003/22. Women's equal ownership, access to and control over land and the equal rights to own property and to adequate housing 87

CONTENTS (*continued*)

Chapter *Page*

II. A. *Resolutions* (*continued*)

2003/23. Globalization and its impact on the full enjoyment of human rights 91

2003/24. Human rights and extreme poverty 93

2003/25. The right to food 98

2003/26. Promotion of the enjoyment of the cultural rights of everyone and respect for different cultural identities 101

2003/27. Adequate housing as a component of the right to an adequate standard of living 104

2003/28. The right of everyone to the enjoyment of the highest attainable standard of physical and mental health 107

2003/29. Access to medication in the context of pandemics such as HIV/AIDS, tuberculosis and malaria 111

2003/30. World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action 116

2003/31. Question of arbitrary detention 123

2003/32. Torture and other cruel, inhuman or degrading treatment or punishment 125

2003/33. Human rights and forensic science 131

2003/34. The right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms 133

2003/35. Strengthening of popular participation, equity, social justice and non-discrimination as essential foundations of democracy 135

2003/36. Interdependence between democracy and human rights 138

CONTENTS (*continued*)

Chapter *Page*

II. A. *Resolutions* (*continued*)

2003/37. Human rights and terrorism 141

2003/38. Question of enforced or involuntary disappearances 145

2003/39. Integrity of the judicial system 149

2003/40. Hostage-taking 151

2003/41. The incompatibility between democracy and racism 152

2003/42. The right to freedom of opinion and expression 154

2003/43. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers 160

2003/44. Integrating the human rights of women throughout the United Nations system 162

2003/45. Elimination of violence against women 169

2003/46. Human rights of migrants 176

2003/47. The protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS) 181

2003/48. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 185

2003/49. Human rights of persons with disabilities 187

2003/50. Rights of persons belonging to national or ethnic, religious and linguistic minorities 190

2003/51. Internally displaced persons 194

2003/52. Human rights and mass exoduses 198

2003/53. Extrajudicial, summary or arbitrary executions 202

2003/54. Elimination of all forms of religious intolerance 206

CONTENTS (*continued*)

Chapter *Page*

II. A. *Resolutions* (*continued*)

2003/55. Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights 210

2003/56. Human rights and indigenous issues 210

2003/57. Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994 214

2003/58. Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights and the International Decade of the World's Indigenous People 215

2003/59. The work of the Sub-Commission on the Promotion and Protection of Human Rights 220

2003/60. Enhancement of international cooperation in the field of human rights 224

2003/61. Promotion of peace as a vital requirement for the full enjoyment of all human rights by all 226

2003/62. Development of public information activities in the field of human rights, including the World Public Information Campaign on Human Rights 228

2003/63. Promotion of a democratic and equitable international order 233

2003/64. Human rights defenders 237

2003/65. The role of good governance in the promotion of human rights 240

2003/66. Convention on the Prevention and Punishment of the Crime of Genocide 242

2003/67. The question of the death penalty 243

Chapter *Page*

II. A. *Resolutions* (*continued*)

2003/68. Protection of human rights and fundamental freedoms while countering terrorism 246

2003/69. Human rights and bioethics 249

2003/70. United Nations Decade for Human Rights Education 251

2003/71. Human rights and the environment as part of sustainable development 257

2003/72. Impunity 259

2003/73. Regional cooperation for the promotion and protection of human rights in the Asian and Pacific region 263

2003/74. Composition of the staff of the Office of the United Nations High Commissioner for Human Rights 266

2003/75. Regional arrangements for the promotion and protection of human rights 271

2003/76. National institutions for the promotion and protection of human rights 274

2003/77. Situation of human rights in Afghanistan 277

2003/78. Assistance to Somalia in the field of human rights 281

2003/79. Situation of human rights in Cambodia 288

2003/80. Situation of human rights in Sierra Leone 291

2003/81. Technical cooperation and advisory services in Chad 296

2003/82. Technical cooperation and advisory services in Liberia 297

2003/83. The right to development 298

2003/84. Situation of human rights in Iraq 300

2003/85. Abduction of children in Africa 301

2003/86. Rights of the child 303

CONTENTS (*continued*)

Chapter *Page*

II. B. *Decisions*

2003/101. Enhancement of the working methods of the Commission 317

2003/102. Organization of work 317

2003/103. Organization of work 320

2003/104. Decision relating to Chad under the procedure established in accordance with Economic and Social Council resolution 1503 (XLVIII) 321

2003/105. Decision relating to Liberia under the procedure established in accordance with Economic and Social Council resolution 1503 (XLVIII) 322

2003/106. Question of human rights in Cyprus 323

2003/107. The Social Forum 323

2003/108. Discrimination in the criminal justice system 323

2003/109. Housing and property restitution in the context of refugees and other displaced persons 324

2003/110. Indigenous peoples' permanent sovereignty over natural resources 324

2003/111. Presentation of the report of the Working Group on Indigenous Populations on its twentieth session to the Permanent Forum on Indigenous Issues 325

2003/112. The prevention of human rights violations caused by the availability and misuse of small arms and light weapons 325

2003/113. Enhancement of the functioning of the Office of the United Nations High Commissioner for Human Rights in regard to the operation of the mechanism of the Commission on Human Rights 325

2003/114. Organization of the work of the sixtieth session of the Commission on Human Rights 326

CONTENTS (*continued*)

Chapter *Page*

II. B. *Decisions* (*continued*)

2003/115. Dates of the sixtieth session of the Commission on Human Rights 327

2003/116. Intersessional activities of the Bureau 327

2003/117. International Decade of the World's Indigenous People 327

2003/118. Postponement of consideration of draft resolution E/CN.4/2003/L.92 and the proposed amendments thereto (E/CN.4/2003/L.106, L.107, L.108, L.109 and L.110) 327

I. Draft resolution and draft decisions recommended for adoption by the Economic and Social Council

A. Draft resolution

The right of everyone to the enjoyment of the highest attainable standard of physical and mental health

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 2003/28 of 22 April 2003, in which the Commission highlighted the importance of enhancing the international community's response to violence by strengthening prevention efforts at the national level and through international cooperation,

1. *Recommends* that the General Assembly declare 2007 the United Nations Year for Violence Prevention;

2. *Requests* the Commission on Human Rights to submit to the Council a draft programme of action for the Year.

[See chap. II, sect. A, resolution 2003/28,
and chap. X.]

B. Draft decisions

1. Human rights situation of the Lebanese detainees in Israel

The Economic and Social Council, taking note of Commission on Human Rights resolution 2003/8 of 16 April 2003, endorses the Commission's decision to request the Secretary-General:

(*a*) To bring Commission resolution 2003/8 to the attention of the Government of Israel and to call upon it to comply with its provisions;

(*b*) To report to the General Assembly at its fifty-eighth session and to the Commission at its sixtieth session on the results of his efforts in this regard.

[See chap. II, sect. A, resolution 2003/8,
and chap. IX.]

2. Situation of human rights in Myanmar

The Economic and Social Council, taking note of Commission on Human Rights resolution 2003/12 of 16 April 2003, endorses the Commission's decision to extend the mandate of the Special Rapporteur on the situation of human rights in Myanmar, as contained in

Commission resolution 1992/58 of 3 March 1992, for a further year, and to request the Special Rapporteur to submit an interim report to the General Assembly at its fifty-eighth session and to report to the Commission at its sixtieth session.

[See chap. II, sect. A, resolution 2003/12,
and chap. IX.]

3. Situation of human rights in the Democratic Republic of the Congo

The Economic and Social Council, taking note of Commission on Human Rights resolution 2003/15 of 17 April 2003, endorses the Commission's decision to extend the mandate of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo for a further year and to request the Special Rapporteur to submit an interim report to the General Assembly at its fifty-eighth session and to report to the Commission at its sixtieth session.

[See chap. II, sect. A, resolution 2003/15,
and chap. IX.]

4. Situation of human rights in Burundi

The Economic and Social Council, taking note of Commission on Human Rights resolution 2003/16 of 17 April 2003, endorses the Commission's decision to extend the mandate of the Special Rapporteur by one year and its request to the Special Rapporteur to submit an interim report on the human rights situation in Burundi to the General Assembly at its fifty-eighth session and a report to the Commission at its sixtieth session, giving her work a gender-specific dimension.

[See chap. II, sect. A, resolution 2003/16,
and chap. IX.]

5. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

The Economic and Social Council, recalling its decision 2002/254 of 25 July 2002, in which the Council endorsed the decision of the Commission on Human Rights to establish, at its fifty-ninth session, an open-ended working group of the Commission with a view to considering options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights, and taking note of Commission resolution 2003/18 of 22 April 2003, endorses the Commission's request that the working group should meet for a period of 10 working days, prior to the sixtieth session of the Commission, with a view to considering options regarding the elaboration of an optional protocol to the Covenant, in the light, inter alia, of the report of the Committee on Economic, Social and Cultural Rights to the Commission on a draft optional protocol for the consideration of communications in relation to the Covenant (E/CN.4/1997/105, annex), comments and views submitted by States, intergovernmental organizations, including United Nations specialized agencies, and non-governmental organizations, and the reports of the independent expert to examine the question of a draft optional protocol to the Covenant (E/CN.4/2002/57 and E/CN.4/2003/53 and Corr.1).

[See chap. II, sect. A, resolution 2003/18,
and chap. X.]

6. Effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 2003/21 of 22 April 2003, approves the Commission's decision to renew the mandate of the independent expert on the effects of structural adjustment policies and foreign debt on the full enjoyment of human rights, particularly economic, social and cultural rights, for three years and to request him to submit an analytical report to the Commission on an annual basis on the implementation of Commission resolution 2003/21, paying particular attention to the effects of the burden of foreign debt and the policies adopted to face them on the capacity of the Governments of developing countries to adopt policies and programmes for the enjoyment of economic, social and cultural rights, as well as to recommend measures and actions that could be taken to alleviate such effects, especially in the poorest and heavily indebted countries.

The Council also approves the Commission's request to the Secretary-General to provide the independent expert with all necessary assistance, in particular the staff and resources required to carry out his functions.

[See chap. II, sect. A, resolution 2003/21,
and chap. X.]

7. The right to food

The Economic and Social Council, taking note of Commission on Human Rights resolution 2003/25 of 22 April 2003, endorses the Commission's decision to extend the mandate of the Special Rapporteur on the right to food for a further three years and to request the Special Rapporteur to submit a report to the General Assembly at its fifty-eighth session and to the Commission at its sixtieth session on the implementation of resolution 2003/25.

[See chap. II, sect. A, resolution 2003/25,
and chap. X.]

8. Adequate housing as a component of the right to an adequate standard of living

The Economic and Social Council, taking note of Commission on Human Rights resolution 2003/27 of 22 April 2003, endorses the Commission's decision to renew the mandate of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, for a period of three years and to request the Special Rapporteur to submit a report to the Commission at its sixtieth session.

[See chap. II, sect. A, resolution 2003/27, and chap. X.]

9. World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

The Economic and Social Council, taking note of Commission on Human Rights resolution 2003/30 of 23 April 2003, endorses the Commission's decision:

(*a*) To request the Intergovernmental Working Group to make recommendations with a view to the effective implementation of the Durban Declaration and Programme of Action and to prepare complementary international standards to strengthen and update international instruments against racism, racial discrimination, xenophobia and related intolerance in all their aspects to convene its upcoming sessions for an initial period of three years, while encouraging it to work effectively to fulfil its mandate, and to convene its second session of 10 working days and to focus on areas decided upon in its recommendations, namely, poverty, education and complementary standards, and to report on progress in this regard at the sixtieth session of the Commission;

(*b*) That the Working group of experts on people of African descent should convene its future sessions for an initial period of three years and encourages it to work effectively towards the fulfilment of its mandate, and also to request it to convene its second session of 10 working days and also to report to the Commission at its sixtieth session on progress toward the fulfilment of its mandate.

The Council also endorses the Commission's recommendations that the General Assembly, after considering the analytical report of the Secretary-General on the extent of implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination, to be submitted pursuant to Assembly resolution 57/195, consider the closure of the Third Decade.

The Council further endorses the Commission's request that the Secretary-General provide the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance with all the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit an interim report to the General Assembly at its fifty-eighth session.

[See chap. II, sect. A, resolution 2003/30,
and chap. VI.]

10. Question of arbitrary detention

The Economic and Social Council, taking note of Commission on Human Rights resolution 2003/31 of 23 April 2003, endorses the Commission's decision to extend for three years the mandate of the Working Group on Arbitrary Detention, in accordance with Commission resolutions 1991/42 of 5 March 1991 and 1997/50 of 15 April 1997.

[See chap. II, sect. A, resolution 2003/31,
and chap. XI.]

11. Torture and other cruel, inhuman or degrading treatment or punishment

The Economic and Social Council, taking note of Commission on Human Rights resolution 2003/32 of 23 April 2003, endorses the Commission's request for an independent evaluation, in accordance with United Nations rules and regulations, of the functioning of the United Nations Voluntary Fund for Victims of Torture, including in particular the lessons and best practices learned from the Fund's activities, with a view to further enhancing its effectiveness; the independent evaluation should be initiated before the next session of the Commission using extrabudgetary funding.

[See chap. II, sect. A, resolution 2003/32,
and chap. XI.]

12. Question of enforced or involuntary disappearances

The Economic and Social Council, taking note of Commission on Human Rights resolution 2003/38 of 23 April 2003, authorizes the Open-ended intersessional working group with the mandate to elaborate a draft legally binding normative instrument for the protection of all persons from enforced disappearance to meet for a period of 10 working days before the sixtieth session of the Commission in order to continue its work, in accordance with Commission resolutions 2001/46 of 23 April 2001 and 2002/41 of 23 April 2002, and endorses the Commission's request that it report to the Commission at its sixtieth session.

[See chap. II, sect. A, resolution 2003/38,
and chap. XI.]

13. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

The Economic and Social Council, taking note of Commission on Human Rights resolution 2003/43 of 23 April 2003, endorses the Commission's decision to extend the mandate of the Special Rapporteur on the independence of judges and lawyers for a further period of three years and its request to the Special Rapporteur to submit a report on the activities relating to the mandate to the Commission at its sixtieth session.

The Council also endorses the Commission's request to the Secretary-General, within the limits of the United Nations regular budget, to provide the Special Rapporteur with any assistance needed for the discharge of the mandate.

[See chap. II, sect. A, resolution 2003/43,
and chap. XI.]

14. Elimination of violence against women

The Economic and Social Council, taking note of Commission on Human Rights resolution 2003/45 of 23 April 2003, endorses the Commission's decision to renew for a period of three years the mandate of the Special Rapporteur on violence against women, its causes and consequences.

The Council approves the Commission's request to the Secretary-General to continue to provide the Special Rapporteur with all necessary assistance, in particular the staff and resources required to perform all mandated functions, especially in carrying out and following up on mission undertaken either separately or jointly with other special rapporteurs and working groups, and adequate assistance for periodic consultations with the Committee on the Elimination of Discrimination against Women and all other treaty bodies.

[See chap. II, sect. A, resolution 2003/45,
and chap. XII.]

15. Elimination of all forms of religious intolerance

The Economic and Social Council, taking note of Commission on Human Rights resolution 2003/54 of 24 April 2003, endorses the Commission's request that the Special Rapporteur on freedom of religion or belief should submit an interim report to the General Assembly at its fifty-eighth session and report to the Commission at its sixtieth session.

[See chap. II, sect. A, resolution 2003/54,
and chap. XI.]

16. Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994

The Economic and Social Council, taking note of Commission on Human Rights resolution 2003/57 of 24 April 2003, authorizes the Working Group established in accordance with Commission resolution 1995/32 of 3 March 1995 to meet for a period of 10 working days prior to the sixtieth session of the Commission, the costs of the meeting to be met from within existing resources.

[See chap. II, sect. A, resolution 2003/57,
and chap. XV.]

17. Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights and the International Decade of the World's Indigenous People

The Economic and Social Council, taking note of Commission on Human Rights resolution 2003/58 of 24 April 2003, authorizes the Working Group on Indigenous Populations to meet for five working days prior to the fifty-fifth session of the Sub-Commission on the Promotion and Protection of Human Rights.

[See chap. II, sect. A, resolution 2003/58,
and chap. XV.]

18. Human rights defenders

The Economic and Social Council, taking note of Commission on Human Rights resolution 2003/64 of 24 April 2003, approves the Commission's decision to extend the mandate of the Special Representative of the Secretary-General on the situation of human rights defenders for a further three years, and also approves the Commission's request that the Special Representative continue to report on her activities to the General Assembly and to the Commission.

[See chap. II, sect. A, resolution 2003/64,
and chap. XVII.]

19. Protection of human rights and fundamental freedoms while countering terrorism

The Economic and Social Council, taking note of Commission on Human Rights resolution 2003/68 of 25 April 2003, approves the Commission's decision to request the United Nations High Commissioner for Human Rights to submit a report on the implementation of resolution 2003/68 to the General Assembly at its fifty-eighth session and to the Commission at its sixtieth session.

[See chap. II, sect. A, resolution 2003/68,
and chap. XVII.]

20. Situation of human rights in Afghanistan

The Economic and Social Council, taking note of Commission on Human Rights resolution 2003/77 of 25 April 2003, approves the Commission's decision to request the Secretary-General to appoint an independent expert for a period of one year to develop, in strict collaboration with the Afghan Transitional Authority, including the Afghan Independent Human Rights Commission, as well as with the Office of the United Nations High Commissioner for Human Rights and the United Nations Assistance Mission in Afghanistan, a programme of advisory services to ensure the full respect and protection of human rights and the promotion of the rule of law and to seek and receive information about and report on the human rights situation in Afghanistan in an effort to prevent human rights violations.

The Council also approves the Commission's request that the Special Rapporteur on violence against women, its causes and consequences, continue to review the situation of women and girls in Afghanistan and submit a report to the General Assembly and the Commission.

[See chap. II, sect. A, resolution 2003/77,
and chap. XIX.]

21. Assistance to Somalia in the field of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 2003/78 of 25 April 2003, endorses the Commission's decision to extend the mandate of the independent expert on the situation of human rights in Somalia for a further year and its request to the independent expert to report to the Commission at its sixtieth session.

The Council also endorses the Commission's decision to request the Secretary-General to continue to provide the independent expert with all necessary assistance in carrying out his mandate and to provide adequate resources, from within existing overall United Nations resources, to fund the activities of the independent expert and the United Nations High Commissioner for Human Rights in providing advisory services and technical assistance.

[See chap. II, sect. A, resolution 2003/78,
and chap. XIX.]

22. Situation of human rights in Sierra Leone

The Economic and Social Council, taking note of Commission on Human Rights resolution 2003/80 of 25 April 2003, endorses the Commission's request to the United Nations High Commissioner for Human Rights to report to the General Assembly at its fifty-eighth session and to the Commission at its sixtieth session on the human rights situation in Sierra Leone, including with reference to reports from the Human Rights Section of the United Nations Mission in Sierra Leone.

[See chap. II, sect. A, resolution 2003/80,
and chap. XIX.]

23. Technical cooperation and advisory services in Liberia

The Economic and Social Council, taking note of Commission on Human Rights resolution 2003/82 of 25 April 2003, endorses the Commission's decision to appoint an independent expert for an initial period of three years to facilitate cooperation between the Government of Liberia and the Office of the United Nations High Commissioner for Human Rights in the area of the promotion and protection of human rights by providing technical assistance and advisory services.

[See chap. II, sect. A, resolution 2003/82,
and chap. XIX.]

24. The right to development

The Economic and Social Council, taking note of Commission on Human Rights resolution 2003/83 of 25 April 2003, decides to endorse the decision of the Commission to renew the mandate of the Working Group on the Right to Development for one year and to convene its fifth session before the sixtieth session of the Commission for a period of 10 working days.

[See chap. II, sect. A, resolution 2003/83,
and chap. VII.]

25. Situation of human rights in Iraq

The Economic and Social Council, taking note of Commission on Human Rights resolution 2003/84 of 25 April 2003, endorses the decision of the Commission to extend the mandate of the Special Rapporteur, as contained in Commission resolution 1991/74 of 6 March 1991 and subsequent resolutions, for a further year, and to request the Special Rapporteur to submit an interim report on the situation of human rights in Iraq, focusing on newly available information about violations of human rights and international law by the Government of Iraq over many years, to the General Assembly at its fifty-eighth session and to report to the Commission at its sixtieth session.

[See chap. II, sect. A, resolution 2003/84,
and chap. IX.]

26. Decision relating to Liberia under the procedure established in accordance with Economic and Social Council resolution 1503 (XLVIII)

The Economic and Social Council, taking note of Commission on Human Rights decision 2003/105 of 2 April 2003, endorses the recommendation of the Commission that the report of the independent expert on the situation of human rights in Liberia be made public so as to encourage assistance to the Government and the people of Liberia in restoring full respect for human rights and fundamental freedoms.

[See chap. II, sect. B, decision 2003/105,
and chap. IX.]

27. The Social Forum

The Economic and Social Council, taking note of Commission on Human Rights decision 2003/107 of 22 April 2003, authorizes the Sub-Commission on the Promotion and Protection of Human Rights to convene in Geneva an annual intersessional forum on economic, social and cultural rights, to be known as the "Social Forum", for two days on dates that would permit the possible participation of 10 members of the Sub-Commission, to be appointed by the regional groups of the Sub-Commission, and also authorizes the provision of all the necessary facilities for the preparation and servicing of the event.

[See chap. II, sect. B, decision 2003/107,
and chap. X.]

28. Discrimination in the criminal justice system

The Economic and Social Council, taking note of Commission on Human Rights decision 2003/108 of 23 April 2003, endorses the Commission's decision to approve the appointment of Ms. Leïla Zerrougui as Special Rapporteur to conduct a detailed study of discrimination in the criminal justice system with a view to determining the most effective means of ensuring equal treatment in the criminal justice system for all persons without discrimination, particularly vulnerable persons, and to request the Special Rapporteur to submit a preliminary report to the Sub-Commission on the Promotion and Protection of Human Rights at its fifty-fifth session, a progress report at its fifty-sixth session and a final report at its fifty-seventh session.

The Council approves the Commission's request to the Secretary-General to provide the Special Rapporteur with any assistance necessary to enable her to fulfil her mandate, including the assistance of a consultant having specialized knowledge of the subject.

[See chap. II, sect. B, decision 2003/108,
and chap. XI.]

29. Housing and property restitution in the context of refugees and other displaced persons

The Economic and Social Council, taking note of Commission on Human Rights decision 2003/109 of 24 April 2003, endorses the Commission's decision to appoint Mr. Paulo Sérgio Pinheiro as Special Rapporteur with the task of preparing a comprehensive study on housing and property restitution in the context of the return of refugees and internally displaced persons based on his working paper (E/CN.4/Sub.2/2002/17) as well as on the comments made and the discussions that took place at the fifty-fourth session of the Sub-Commission on the Promotion and Protection of Human Rights and at the fifty-eighth session of the Commission, and also endorses the request to the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-fifth session, a progress report at its fifty-sixth session and a final report at its fifty-seventh session.

[See chap. II, sect. B, decision 2003/109,
and chap. XIV.]

30. Indigenous peoples' permanent sovereignty over natural resources

The Economic and Social Council, taking note of Commission on Human Rights decision 2003/110 of 24 April 2003, endorses the Commission's decisions:

(*a*) To approve the appointment of Ms. Erica-Irene Daes as Special Rapporteur to undertake a study on indigenous peoples' permanent sovereignty over natural resources based on her working paper (E/CN.4/Sub.2/2002/23) and to request her to submit a preliminary report to the Sub-Commission on the Promotion and Protection of Human Rights at its fifty-fifth session and her final report at its fifty-sixth session;

(*b*) To request the Secretary-General to provide the Special Rapporteur with all necessary assistance to enable her to carry out her study.

[See chap. II, sect. B, decision 2003/110,
and chap. XV.]

31. The prevention of human rights violations caused by the availability and misuse of small arms and light weapons

The Economic and Social Council, taking note of Commission on Human Rights decision 2003/112 of 25 April 2003, endorses the Commission's decisions:

(*a*) To approve the appointment of Ms. Barbara Frey as Special Rapporteur with the task of preparing a comprehensive study on the prevention of human rights violations committed with small arms and light weapons based on her working paper (E/CN.4/Sub.2/2002/39) as well as the comments received and the discussion that took place at the fifty-fourth session of the Sub-Commission on the Promotion and Protection of Human Rights and at the fifty-eighth session of the Commission, and to request the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-fifth session, a progress report at its fifty-sixth session and a final report at its fifty-seventh session;

(*b*) To request the Secretary-General to provide the Special Rapporteur with all the assistance necessary to enable her to accomplish her task.

[See chap. II, sect. B, decision 2003/112,
and chap. XVII.]

32. Organization of work of the sixtieth session of the Commission on Human Rights

The Economic and Social Council, taking note of Commission on Human Rights decision 2003/114 of 25 April 2003, authorizes eight fully serviced additional meetings, including summary records, in accordance with rules 29 and 31 of the rules of procedure of the functional commissions of the Council, for the Commission's sixtieth session.

The Council approves the Commission's decision to request the Chairperson of the sixtieth session of the Commission to make every effort to organize the work of the session within the time normally allotted so that the additional meetings authorized by the Council might be utilized only if they proved to be absolutely necessary.

[See chap. II, sect. B, decision 2003/114,
and chap. III.]

33. Dates of the sixtieth session of the Commission on Human Rights

The Economic and Social Council, taking note of Commission on Human Rights decision 2003/115 of 25 April 2003, endorses the Commission's decision that the first meeting of the Commission would be held on the third Monday in January with the sole purpose of electing its officers, and that the sixtieth session of the Commission would be held from 15 March to 23 April 2004.

[See chap. II, sect. B, decision 2003/115,
and chap. III.]

34. International Decade of the World's Indigenous People

The Economic and Social Council, taking note of Commission on Human Rights decision 2003/117 of 25 April 2003, endorses the Commission's recommendation that it request the United Nations High Commissioner for Human Rights to organize, before the end of the International Decade of the World's Indigenous People, a seminar on treaties, agreements and other constructive arrangements between States and indigenous peoples to explore possible ways and means to follow up on the recommendations included in the final report of the Special Rapporteur, Mr. Miguel Alfonso Martínez (E/CN.4/Sub.2/1999/20).

[See chap. II, sect. B, decision 2003/117,
and chap. XV.]

II. Resolutions and decisions adopted by the Commission at its fifty-ninth session

A. Resolutions

2003/1. Question of Western Sahara

The Commission on Human Rights,

Having considered in depth the question of Western Sahara,

Reaffirming the inalienable right of all peoples to self-determination and independence, in accordance with the principles set forth in the Charter of the United Nations and in General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Taking note of General Assembly resolution 57/135 of 11 December 2002,

Recalling its resolution 2002/4 of 12 April 2002,

Recalling also the agreement in principle given on 30 August 1988 by the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro to the proposals of the Secretary-General of the United Nations and the Chair of the Assembly of Heads of State and Government of the Organization of African Unity in the context of their joint mission of good offices,

Recalling further all resolutions of the General Assembly, the Security Council and the Commission on Human Rights on the question of Western Sahara,

Recalling Security Council resolution 658 (1990) of 27 June 1990 and 690 (1991) of 29 April 1991, in which the Council approved the settlement plan for Western Sahara,

Recalling also Security Council resolution 1359 (2001) of 29 June 2001 and taking note of Council resolution 1429 (2002) of 30 July 2002, in which the Council stressed the need to reach a political solution to the dispute,

Reaffirming the responsibility of the United Nations towards the people of Western Sahara, as provided for in the settlement plan,

Noting with satisfaction the entry into force of the ceasefire in accordance with the proposal of the Secretary-General, and stressing the importance that it attaches to the maintenance of the ceasefire as an integral part of the settlement plan,

Noting also with satisfaction the agreements reached by the two parties during their private direct talks aimed at the implementation of the settlement plan and the acceptance by the two parties of the detailed modalities for the implementation of the Secretary-General's package of measures relating to the identification of voters and the appeals process (see S/1999/483/Add.1), and stressing the importance that it attaches to a full, fair and faithful implementation of the resettlement plan and the agreements aimed at its implementation, *Noting* that, despite the progress achieved, difficulties remain in the implementation of the settlement plan,

Noting also the fundamental differences between the parties in implementing the main provisions of the settlement plan,

Stressing that the lack of progress in the settlement of the dispute on Western Sahara continues to cause suffering to the people of Western Sahara, remains a source of potential instability in the region and obstructs the economic development of the Maghreb region and that, in view of this, the search for a political solution is critically needed,

Welcoming the efforts of the Secretary-General and his Personal Envoy in search of a mutually acceptable political solution which will provide for self-determination for the people of Western Sahara,

Recalling that the General Assembly has examined the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling also that the General Assembly has examined the report of the Secretary-General (A/57/206),

1. *Takes note* of the report of the Secretary-General;

2. *Commends* the Secretary-General and his Personal Envoy for their outstanding efforts and the two parties for the spirit of cooperation which they have shown in the support that they provide for those efforts;

3. *Recalls* the agreements reached between the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro for the implementation of the settlement plan during their private direct talks under the auspices of Mr. James Baker III, the Personal Envoy of the Secretary-General, and urges the parties to implement those agreements fully and in good faith;

4. *Urges* the two parties to implement faithfully and loyally the Secretary-General's package of measures relating to the identification of voters and the appeals process;

5. *Reaffirms* the responsibility of the United Nations towards the people of Western Sahara, as provided for in the settlement plan;

6. *Also reaffirms* its support for further efforts of the Secretary-General for the organization and supervision by the United Nations, in cooperation with the African Union, of a referendum for self-determination of the people of Western Sahara that is impartial and free of all constraints, in conformity with Security Council resolutions 658 (1990) and 690 (1991), by which the Council approved the settlement plan;

7. *Notes* the fundamental differences between the parties in implementing the main provisions of the settlement plan;

8. *Supports* the efforts undertaken by the Secretary-General and his Personal Envoy to reach a political solution to the dispute on Western Sahara which will provide for self-determination for the people of Western Sahara;

9. *Urges*, in this regard, the two parties to continue their cooperation with the Secretary-General and his Personal Envoy with a view to reaching a mutually acceptable political solution to this dispute;

10. *Recalls* the relevant resolutions of the Security Council, including resolutions 1349 (2001) of 27 April 2001, 1359 (2001) and 1429 (2002);

11. *Calls upon* the parties to cooperate with the International Committee of the Red Cross in its efforts to solve the problem of the fate of people unaccounted for, and calls upon the parties to abide by their obligation under international humanitarian law to release without further delay all those held since the start of the conflict;

12. *Notes* that the General Assembly has requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara, bearing in mind the implementation of the settlement plan, and to report thereon to the Assembly at its fifty-eighth session;

13. *Also notes* that the General Assembly has invited the Secretary-General to submit to it, at its fifty-eighth session, a report on the implementation of Assembly resolution 57/135.

47th meeting
14 April 2003
[Adopted without a vote. See chap. V.]

2003/2. The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

The Commission on Human Rights,

Taking note of General Assembly resolution 57/196 of 18 December 2002 and recalling its own resolution 2002/5 of 12 April 2002,

Recalling all of its relevant resolutions, in which, inter alia, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit and use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling also the relevant resolutions and international instruments adopted by the General Assembly, the Security Council, the Economic and Social Council and the Organization of African Unity, inter alia the Convention of the Organization of African Unity on the Elimination of Mercenarism in Africa,

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, territorial integrity of States, self-determination of peoples, the non-use of force or threat of use of force in international relations and non-interference in affairs within the domestic jurisdiction of States,

Reaffirming also that by virtue of the principle of self-determination, all peoples have the right to determine freely their political status and to pursue freely their economic, social and cultural development,

Reaffirming further the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

Alarmed and concerned about the danger which the activities of mercenaries constitute to peace and security in developing countries, particularly in Africa and in small States,

Deeply concerned about the loss of life, the substantial damage to property and the negative effects on the policy and economies of affected countries resulting from mercenary international criminal activities,

Convinced that, notwithstanding the way in which mercenaries or mercenary-related activities are used or the form they take to acquire some semblance of legitimacy, they are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of human rights by peoples,

1. *Welcomes* the report of the Special Rapporteur on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination (E/CN.4/2003/16);

2. *Reaffirms* that the use of mercenaries and their recruitment, financing and training are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

3. *Recognizes* that armed conflicts, terrorism, arms trafficking and covert operations by third Powers, inter alia, encourage the demand for mercenaries on the global market;

4. *Urges* all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries, and to take legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries for the planning of activities designed to impede the right to self-determination, to overthrow the Government of any State, or dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the right to self-determination of peoples;

5. *Requests* all States to exercise the utmost vigilance against any kind of recruitment, training, hiring or financing of mercenaries by private companies offering international military consultancy and security services, as well as to impose a specific ban on such companies' intervening in armed conflicts or actions to destabilize constitutional regimes;

6. *Welcomes* the entry into force of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;

7. *Calls upon* all States that have not yet done so to consider taking the necessary action to sign or ratify the Convention;

8. *Welcomes* the cooperation extended by those countries that received a visit by the Special Rapporteur on mercenaries;

9. *Also welcomes* the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

10. *Invites* States to investigate the possibility of mercenary involvement whenever and wherever criminal acts of a terrorist nature occur;

11. *Takes note* of the convening by the Office of the United Nations High Commissioner for Human Rights of the second meeting of experts on traditional and new forms of mercenary activities as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, in compliance with General Assembly resolution 56/232 of 24 December 2001;

12. *Requests* the Office of the High Commissioner, as a matter of priority, to publicize the adverse effects of mercenary activities on the right of peoples to self-determination and, when requested and where necessary, to render advisory services to States that are affected by these activities;

13. *Requests* the Special Rapporteur to continue taking into account in the discharge of his mandate that mercenary activities are continuing to occur in many parts of the world and are taking on new forms, manifestations and modalities;

14. *Urges* all States to cooperate fully with the Special Rapporteur in the fulfilment of his mandate;

15. *Requests* the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the necessary assistance and support for the fulfilment of his mandate, including through the promotion of cooperation between the Special Rapporteur and other components of the United Nations system that deal with countering mercenary-related activities;

16. *Also requests* the Special Rapporteur to consult States and intergovernmental and non-governmental organizations in the implementation of the present resolution and to report, with specific recommendations, his findings on the use of mercenaries to undermine the right to self-determination to the Commission at its sixtieth session;

17. *Decides* to consider at its sixtieth session the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination under the same agenda item.

47th meeting
14 April 2003
[Adopted by a recorded vote of 37 votes to 9,
with 7 abstentions. See chap. V.]

2003/3. Situation in occupied Palestine

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, in particular the provisions of Articles 1 and 55 thereof, which affirm the right of peoples to self-determination, and reaffirming the need for the scrupulous respect of the principle of refraining in international relations from the threat or use of force, as specified in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States, adopted by the General Assembly in its resolution 2625 (XXV) of 24 October 1970,

Guided also by the provisions of article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights, which affirm that all peoples have the right to self-determination,

Guided further by the provisions of the Vienna Declaration and Programme of Action, adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), and in particular Part I, paragraphs 2 and 3, relating to the right of self-determination of all peoples and especially those subject to foreign occupation,

Recalling General Assembly resolutions 181 A and B (II) of 29 November 1947 and 194 (III) of 11 December 1948, as well as all other resolutions which confirm and define the inalienable rights of the Palestinian people, particularly their right to self-determination,

Recalling also Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 1397 (2002) of 12 March 2002 and 1402 (2002) of 30 March 2002,

Recalling further its previous resolutions in this regard, the latest of which is its resolution 2002/3 of 12 April 2002,

Reaffirming the right of the Palestinian people to self-determination in accordance with the provisions of the Charter of the United Nations, the relevant United Nations resolutions and declarations, and the provisions of international covenants and instruments relating to the right to self-determination as an international principle and as a right of all peoples in the world, as it is a *jus cogens* in international law and a basic condition for achieving a just, lasting and comprehensive peace in the region of the Middle East,

1. *Reaffirms* the inalienable, permanent and unqualified right of the Palestinian people to self-determination, including their right to establish their sovereign and independent Palestinian State, and looks forward to the early fulfilment of this right;

2. *Requests* the Secretary-General to transmit the present resolution to the Government of Israel and all other Governments, to disseminate it on the widest possible scale and to make available to the Commission on Human Rights, prior to the convening of its sixtieth session, all information pertaining to the implementation of the present resolution by the Government of Israel;

3. *Decides* to include in the provisional agenda of its sixtieth session the item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" and to consider the situation in occupied Palestine under that agenda item, as a matter of high priority.

47th meeting
14 April 2003
[Adopted by a recorded vote of 51 votes to 1,
with 1 abstention. See chap. V.]

2003/4. Combating defamation of religions

The Commission on Human Rights,

Recalling that all States have pledged themselves, under the Charter of the United Nations, to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling also its resolutions 1999/82 of 30 April 1999, 2000/84 of 26 April 2000, 2001/4 of 18 April 2001 and 2002/9 of 15 April 2002,

Reaffirming that discrimination against human beings on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations,

Convinced that religious and cultural diversity in the globalizing world needs to be used as a vehicle for complementary creativity and dynamism and not as a rationale for a new ideological and political confrontation,

Recalling the United Nations Millennium Declaration, adopted by the General Assembly on 8 September 2000, welcoming the resolve expressed in the Declaration to take measures to eliminate the increasing acts of racism and xenophobia in many societies and to promote greater harmony and tolerance in all societies, and looking forward to its effective implementation at all levels, including in the context of the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12),

Welcoming the proclamation by the General Assembly in its resolution 56/6 of 9 November 2001 of the Global Agenda for Dialogue among Civilizations and invites States, the organizations and bodies of the United Nations system, within existing resources, other international and regional organizations and civil societies to contribute to the implementation of the Programme of Action contained in that resolution,

Welcoming also the progress achieved in the follow-up to the Durban Declaration and Programme of Action, *Expressing deep appreciation* to the Government of Turkey for hosting the Joint Organization of the Islamic Conference-European Union Forum entitled "Civilization and Harmony: The Political Dimension", in Istanbul on 12 and 13 February 2002, and welcoming its outcome,

Alarmed at the continuing negative impact of the events of 11 September 2001 on Muslim minorities and communities in some non-Muslim countries and the negative projection of Islam in media, and the introduction and enforcement of laws that specifically discriminate against and target Muslims,

Recognizing the need to promote tolerance, understanding among different cultures and mutual appreciation of cultural and religious values for world peace, social justice and friendship among people,

Also recognizing the valuable contributions of all religions to modern civilization and the contribution that dialogue among civilizations can make to an improved awareness and understanding of the common values shared by all humankind,

Noting with concern that defamation of religions is among the causes of social disharmony and leads to violations of human rights of their adherents,

Recognizing the incompatibility of defamation of religions and cultures with the objectives of a truly globalized world and the promotion and maintenance of international peace and security,

Alarmed at the serious instances of intolerance, discrimination and acts of violence based on religion or belief, intimidation and coercion motivated by extremism, religious or otherwise, occurring in many parts of the world and threatening the enjoyment of human rights and fundamental freedoms,

Stressing the need to recognize and appreciate religious and cultural diversity and differences in perception and values,

Underlining the importance of creating conditions to foster greater harmony and tolerance within and among societies and conscious of the importance of education in ensuring tolerance of and respect for religion and belief,

Emphasizing that States, non-governmental organizations, religious bodies and the media have an important role to play in the promotion of tolerance and the protection of freedom of religion and belief,

1. *Welcomes* the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/2003/23);

2. *Expresses deep concern* at negative stereotyping of religions and manifestations of intolerance and discrimination in matters of religion or belief still in evidence in some regions of the world;

3. *Also expresses deep concern* that Islam is frequently and wrongly associated with human rights violations and terrorism;

4. *Notes with deep concern* the intensification of the campaign of defamation of religions, and the ethnic and religious profiling of Muslim minorities, in the aftermath of the tragic events of 11 September 2001;

5. *Deplores* the use of the print, audio-visual and electronic media, including the Internet, and any other means to incite acts of violence, xenophobia or related intolerance and discrimination towards Islam or any other religion;

6. *Expresses deep concern* at programmes and agendas pursued by extremist organizations and groups aimed at the defamation of religions, in particular when supported by Governments;

7. *Urges* all States, within their national legal framework, in conformity with international human rights instruments, to take all appropriate measures to combat hatred, discrimination, intolerance and acts of violence, intimidation and coercion motivated by religious intolerance, including attacks on religious places, and to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief;

8. *Also urges* all States to ensure that all public officials, including members of law enforcement bodies, the military, civil servants and educators, in the course of their official duties respect different religions and beliefs and do not discriminate on the grounds of religion or belief, and that necessary and appropriate education or training is provided;

9. *Strongly deplores* physical attacks and assaults on businesses, cultural centres and places of worship of all religions;

10. *Encourages* States, within their respective constitutional systems, to provide adequate protection against all human rights violations resulting from defamation of religions and to take all possible measures to promote tolerance and respect for all religions and their value systems;

11. *Confirms* the need to enhance knowledge about civilizations and cultures through communication and cooperation for the promotion of common universal values such as those enshrined in the Universal Declaration of Human Rights and other relevant international human rights instruments;

12. *Calls upon* the international community to initiate a global dialogue to promote a culture of tolerance based on respect for human rights and respect for religious diversity and urges the States, non-governmental organizations, religious bodies and the print and electronic media to support and promote such a dialogue;

13. *Calls upon* the United Nations High Commissioner for Human Rights to promote and include human rights aspects in the dialogue among civilizations, inter alia through:

(*a*) Integrating them into topical seminars and special debates on the positive contributions of cultures, as well as religious and cultural diversity;

(*b*) Collaboration by the Office of the United Nations High Commissioner for Human Rights with other relevant international organizations in holding joint conferences designed to encourage this dialogue and promote understanding of the universality of human rights and their implementation at various levels;

14. *Requests* the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to examine the situation of Muslim and Arab peoples in various parts of the world with special reference to physical assaults and attacks against their places of worship, cultural centres, businesses and properties in the aftermath of the events of 11 September 2001 and to submit a progress report on his findings for consideration by the Commission at its next session;

15. *Requests* the High Commissioner to report to the Commission at its sixtieth session on the implementation of the present resolution;

16. *Decides* to consider this matter at its sixtieth session, under the same agenda item.

47th meeting
14 April 2003
[Adopted by a recorded vote of 32 votes to 14,
with 7 abstentions. See chap. VI.]

2003/5. Human rights in the occupied Syrian Golan

The Commission on Human Rights,

Deeply concerned at the suffering of the Syrian citizens in the occupied Syrian Golan due to the violation of their fundamental and human rights since the Israeli military occupation of 1967,

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Recalling also all relevant General Assembly resolutions, including the latest, resolution 57/112 of 3 December 2002 in which the Assembly declared that Israel had failed to comply with Security Council resolution 497 (1981) and demanded that Israel withdraw from all the occupied Syrian Golan,

Reaffirming once more the illegality of Israel's decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming the principle of non-acquisition of territory by force in accordance with the Charter of the United Nations and the principles of international law,

Taking note with deep concern of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/57/207) submitted on 16 September 2002 and, in this connection, deploring the Israeli settlement in the occupied Arab territories and regretting Israel's constant refusal to cooperate with and to receive the Special Committee, *Guided* by the relevant provisions of the Charter of the United Nations, international law and the Universal Declaration of Human Rights, and reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the relevant provisions of the Hague Conventions of 1899 and 1907 to the occupied Syrian Golan,

Reaffirming the importance of the peace process which started in Madrid on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 and the principle of land for peace, and expressing its concern at the stoppage of the peace process in the Middle East, and its hope that peace talks will be resumed on the basis of the full implementation of Security Council resolutions 242 (1967) and 338 (1973) for the establishment of a just and comprehensive peace in the region,

Also reaffirming its previous relevant resolutions, the most recent being resolution 2002/6 of 12 April 2002,

1. *Calls upon* Israel, the occupying Power, to comply with the relevant resolutions of the General Assembly and of the Security Council, particularly resolution 497 (1981), in which the Council decided, inter alia, that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan is null and void and without international legal effect, and demanded that Israel should rescind forthwith its decision;

2. *Also calls upon* Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, and emphasizes that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their properties;

3. *Further calls upon* Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan and to desist from its repressive measures against them, and from all other practices mentioned in the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories;

4. *Determines* that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and have no legal effect;

5. *Calls once again upon* Member States not to recognize any of the legislative or administrative measures and actions referred to above;

6. *Requests* the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations and to give it the widest possible publicity, and to report to the Commission on Human Rights at its sixtieth session;

7. *Decides* to include in the provisional agenda of its sixtieth session, as a matter of high priority, the item entitled "Question of the violation of human rights in the occupied Arab territories, including Palestine".

48th meeting
15 April 2003
[Adopted by a recorded vote of 31 to 1,
with 21 abstentions. See chap. VIII.]

2003/6. Question of the violation of human rights in the occupied Arab territories, including Palestine

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations as well as by the provisions of the Universal Declaration of Human Rights,

Recalling Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 1397 (2002) of 12 March 2002, 1402 (2002) of 30 March 2002 and 1403 (2002) of 4 April 2002 that called upon both parties to move immediately to a meaningful ceasefire, as well as for withdrawal of Israeli troops and for an immediate cessation of all acts of violence, including all acts of terror, provocation, incitement and destruction,

Guided by the provisions of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Taking into consideration the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 (Fourth Geneva Convention), the provisions of Additional Protocol I thereto and the Hague Convention IV of 1907,

Recalling the resolutions of the Security Council, the General Assembly and the Commission on Human Rights relating to the applicability of the Fourth Geneva Convention to the occupied Palestinian territory, including East Jerusalem,

Reaffirming the applicability of the Fourth Geneva Convention to the occupied Palestinian territory, including East Jerusalem,

Recalling General Assembly resolutions on Israeli violations of human rights in the occupied Palestinian territory, including East Jerusalem, occupied since 1967,

Recalling particularly General Assembly resolution 37/43 of 3 December 1982 reaffirming the legitimacy of the struggle of peoples against foreign occupation and for self-determination,

Recalling the Vienna Declaration and Programme of Action, adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), *Welcoming* the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Mr. John Dugard (E/CN.4/2003/30 and Add.1), the report of the Special Rapporteur on adequate housing as a component of an adequate standard of living, Mr. Miloon Kothari (E/CN.4/2003/5/Add.1), and the report of the Special Rapporteur on the right to food, Mr. Jean Ziegler (E/CN.4/2003/54),

Expressing its deep concern at the failure of the Government of Israel to cooperate with the Human Rights Inquiry Commission established pursuant to Commission resolution S-5/1 of 19 October 2000 and its failure to cooperate with other relevant special rapporteurs, particularly Mr. John Dugard,

Gravely concerned at the continued deterioration of the situation in the occupied Palestinian territory and at the gross violations of human rights and international humanitarian law, in particular, acts of extrajudicial killing, closures, collective punishments, the persistence in establishing settlements, arbitrary detentions, the besieging of Palestinian towns and villages, the shelling of Palestinian residential districts from warplanes, tanks and Israeli battleships, the conducting of incursions into towns and camps and the killing of men, women and children there as was the case lately in the camps of Jenin, Balata, Khan Younis, Rafah, Ramallah, Gaza, Nablus, Al-Birah, Al-Amari, Jabalia, Bethlehem and Dheisheh, and in the Al-Daraj and Al-Zaitoun neighbourhoods in the city of Gaza,

Expressing its grave concern at the continued violence and the resulting deaths and injuries, mostly among Palestinians, the toll of casualties having so far increased to over 2,200 killed and over 25,000 wounded since 28 September 2000,

Taking note of the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories submitted to the General Assembly since 1968,

Expressing its grave concern at the continued Israeli refusal to abide by the resolutions of the Security Council, the General Assembly and the Commission on Human Rights calling upon Israel to put an end to the violations of human rights and affirming the applicability of the Fourth Geneva Convention to the occupied Palestinian territory, including East Jerusalem, occupied by Israel since 1967,

Convinced that the basis of negotiations and of achieving a just and lasting peace should be Security Council resolutions 242 (1967) and 338 (1973) and other relevant United Nations resolutions, including the principle of the inadmissibility of acquisition of territory by war, the need for every State in the area to be able to live in security and the principle of land for peace,

Recalling all its previous resolutions on the subject, the latest of which is resolution 2002/8 of 15 April 2002,

1. *Reaffirms* the legitimate right of the Palestinian people to resist the Israeli occupation in order to free its land and be able to exercise its right of self-determination, thus fulfilling its mission, which is one of the goals and purposes of the United Nations, in accordance with the Charter;

2. *Strongly condemns* once more the violations by the Israeli occupation authorities of human rights in the occupied Palestinian territory, including East Jerusalem;

3. *Also strongly condemns* the Israeli occupation of the Palestinian territory as it constitutes an aggression and an offence against humanity and a flagrant violation of human rights;

4. *Further strongly condemns* the war launched by the Israeli army against Palestinian towns and camps, which has resulted so far in the death of hundreds of Palestinian civilians, including women and children;

5. *Strongly condemns* anew the practice of "liquidation" or "extrajudicial executions" carried out by the Israeli army against Palestinians, a practice which not only constitutes a violation of human rights norms and a flagrant violation of article 3 of the Universal Declaration of Human Rights and of the rule of law, but which is also damaging for the relationship between the parties and therefore constitutes an obstacle to peace, and urges the Government of Israel to respect international law and to cease this practice immediately;

6. *Also strongly condemns* once again the establishment of Israeli settlements and other related activities in the occupied Palestinian territory, including East Jerusalem, such as the construction of new settlements and the expansion of the already existing ones, the expropriation of lands, the biased administration of water resources and the construction of bypass roads, all of which are not only violations of human rights and of international humanitarian law, especially article 49 of the Fourth Geneva Convention and Protocol I Additional to the Geneva Conventions of 12 August 1949 for the protection of victims of war, according to which such violations constitute war crimes, but are also major obstacles to peace, urges the Government of Israel to implement the relevant United Nations resolutions as well as the resolutions of the Commission on Human Rights relative to the Israeli settlements, and affirms that the dismantling of the Israeli settlements constitutes an essential factor for achieving a just, comprehensive and lasting peace in the region;

7. *Condemns once again* the expropriation of Palestinian homes in Jerusalem and Hebron, the revocation of identity cards of the citizens of East Jerusalem, the imposition of fabricated and exorbitant taxes with the aim of forcing the Palestinian citizens of Jerusalem, who cannot afford to pay these high taxes, out of their homes and out of their city, preparing in this way the path for the Judaization of Jerusalem, and calls upon the Government of Israel to put an end immediately to these practices;

8. *Also condemns once again* the use of torture against Palestinians during interrogation, as it constitutes a grave violation of the principles of international humanitarian law, and of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and is also a violation of article 5 of the Universal Declaration of Human Rights, and calls upon the Government of Israel to put an end immediately to such practices and to bring the perpetrators of these violations to trial;

9. *Strongly condemns once more* the offensives of the Israeli army of occupation against hospitals and sick persons and the use of Palestinian citizens as human shields during Israeli incursions into Palestinian areas;

10. *Also strongly condemns once more* the opening of fire by the Israeli army of occupation on ambulances and paramedical personnel and the practice of preventing ambulances and vehicles of the International Committee of the Red Cross from reaching the wounded and the dead in order to transport them to hospital, thus leaving the wounded bleeding to death in the streets;

11. *Expresses its grave concern once more* at the deterioration of the human rights and humanitarian situation in the occupied Palestinian territory, and particularly at acts of mass killing perpetrated by the Israeli occupying authorities against the Palestinian people;

12. *Expresses its deep concern again* at the military siege imposed on the Palestinian territory and the isolation of Palestinian towns and villages from each other through the establishment of military roadblocks that are used as a trap to kill Palestinians, which contribute, together with other factors, to the acts of violence that have been prevailing in the region for two and a half years, calls upon the Government of Israel to immediately put an end to this practice and immediately lift its military siege of Palestinian towns and villages, and reaffirms that these collective punishments are prohibited under international law and constitute a grave violation of the provisions of the Fourth Geneva Convention and Protocol I Additional to the Geneva Conventions;

13. *Expresses its grave concern once again* at the restriction of movement imposed on Chairman Yasser Arafat by the Israeli occupying authorities, in violation of articles 9 and 13 of the Universal Declaration of Human Rights;

14. *Also expresses its deep concern once again* at the massive arrests conducted by the Israeli occupying authorities against about 1,500 Palestinians, without trial and without any criminal charges having been brought against them, in violation of article 9 of the Universal Declaration of Human Rights and the provisions of the Fourth Geneva Convention in this respect;

15. *Affirms anew* that the demolition by the Israeli occupying forces of at least 30,000 Palestinian houses, facilities and property is a grave violation of articles 33 and 53 of the Fourth Geneva Convention and that levelling farmlands, uprooting trees and destroying the infrastructure of Palestinian society constitute grave violations of the provisions of international humanitarian law and a form of collective punishment against the Palestinian people;

16. *Reaffirms* that the Fourth Geneva Convention is applicable to the Palestinian territory occupied by Israel since 1967, including East Jerusalem, and considers any change in the geographical, demographic and institutional status of the city of East Jerusalem from its status prior to the June 1967 war to be illegal and void;

17. *Calls once again upon* Israel, the occupying Power, to desist from all forms of violation of human rights in the occupied Palestinian territory, including East Jerusalem, and other occupied Arab territories and to respect the principles of international law and international humanitarian law, the Universal Declaration of Human Rights, its international commitments and the agreements it signed with the Palestine Liberation Organization;

18. *Also calls once again upon* Israel to withdraw from the Palestinian territory, including East Jerusalem, occupied since 1967, in accordance with the relevant resolutions of the United Nations and the Commission on Human Rights, as a basic condition for achieving a just, lasting and comprehensive peace in the Middle East;

19. *Calls upon* the relevant United Nations organs urgently to consider the best ways to provide the necessary international protection for the Palestinian people until the cessation of the Israeli occupation of its territory;

20. *Requests* the Secretary-General to bring the present resolution to the attention of the Government of Israel and all other Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations, to disseminate it on the widest possible scale and to report on its implementation by the Government of Israel to the Commission on Human Rights at its sixtieth session;

21. *Also requests* the Secretary-General to provide the Commission with all United Nations reports issued between the sessions of the Commission that deal with the conditions in which the citizens of the Palestinian and other occupied Arab territories are living under the Israeli occupation;

22. *Decides* to consider this question at its sixtieth session under the same agenda item, as a matter of high priority.

48th meeting
15 April 2003
[Adopted by a recorded vote of 33 votes to 5,
with 15 abstentions. See chap. VIII.]

2003/7. Israeli settlements in the occupied Arab territories

The Commission on Human Rights,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments,

Mindful that Israel is a party to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable de jure to Palestinian and all Arab territories occupied by Israel since 1967, including East Jerusalem, and recalling the declaration adopted by the Conference of High Contracting Parties to the Fourth Geneva Convention, held in Geneva on 5 December 2001,

Recalling its previous resolutions, most recently resolution 2002/7 of 12 April 2002, and taking note of General Assembly resolution 57/126 of 11 December 2002, in which, inter alia, the illegality of the Israeli settlements in the occupied territories was reaffirmed, *Expressing its concern* that continuing Israeli settlement activity undermines the realization of a two-State solution to the conflict, and therefore threatens the long-term security of Palestinians as well as Israelis,

Expressing its concern also regarding the security threats related to the presence of the settlements in the occupied territories, as expressed in the report of the Sharm el-Sheikh Fact-Finding Committee (the Mitchell Report),

1. *Welcomes* the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (E/CN.4/2003/30 and Add.1) and calls upon the Government of Israel to cooperate with the Special Rapporteur to allow him fully to discharge his mandate;

2. *Expresses its grave concern* at:

(*a*) The continuation, at an escalated level, of the Israeli-Palestinian conflict, which has led to a seemingly endless spiral of hatred and violence and to increased suffering for both Israelis and Palestinians;

(*b*) The continuing Israeli settlement activities, including the illegal installation of settlers in the occupied territories and related activities, such as the expansion of settlements, the expropriation of land, the demolition of houses, the confiscation and destruction of property, the expulsion of Palestinians and the construction of bypass roads, which change the physical character and demographic composition of the occupied territories, including East Jerusalem, and constitute a violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; settlements are a major obstacle to peace and to the creation of an independent, viable, sovereign and democratic Palestinian State in accordance with Security Council resolution 1397 (2002) of 12 March 2002;

(*c*) And strongly condemns all acts of violence, including indiscriminate terrorist attacks killing and injuring civilians, provocation, incitement and destruction;

(*d*) The closures of and within the Palestinian territories and the restriction of the freedom of movement of the Palestinians, including the extensive curfews imposed on the West Bank cities for long periods of time, which contribute, together with other factors, to the intolerable level of violence that has been prevailing in the zone for more than two years, have caused an extremely precarious humanitarian situation for the civilian population and have a negative impact on the enjoyment of economic and social rights in the Palestinian territories, affecting in particular the most vulnerable groups of the population;

(*e*) The construction of the so-called security fence in the Palestinian territories, including in and around East Jerusalem;

3. *Urges* the Government of Israel:

(*a*) To comply fully with the previous Commission resolutions on the subject, most recently resolution 2002/7;

(*b*) To reverse its settlement policy in the occupied territories, including East Jerusalem, and, as a first step towards their dismantlement, to stop immediately the expansion of existing settlements, including "natural growth" and related activities;

(*c*) To prevent any new installation of settlers in the occupied territories;

(*d*) To stop the construction of the so-called security fence in the Palestinian territories, including in and around East Jerusalem, and other illegal activities, such as confiscation of land or demolition of houses, that it entails;

(*e*) To implement the recommendations regarding the settlements made by the United Nations High Commissioner for Human Rights in her report to the Commission at its fifty-seventh session on her visit to the occupied Palestinian territories, Israel, Egypt and Jordan (E/CN.4/2001/114);

(*f*) To take and implement serious measures, including confiscation of arms and enforcement of criminal sanctions, with the aim of preventing illegal acts of violence by Israeli settlers, and other measures to guarantee the safety and protection of the Palestinian civilians in the occupied territories;

4. *Urges* the parties to cooperate in the early and unconditional implementation, without modifications, of the "road map" endorsed by the "Quartet"* with the aim of resuming negotiations on a political settlement, which is in accordance with the resolutions of the Security Council and other relevant United Nations resolutions, the principles of the Peace Conference on the Middle East, held in Madrid on 30 October 1991, the Oslo Accords and subsequent agreements, which will allow two States, Israel and Palestine, to live in peace and security and play their full part in the region;

5. *Decides* to continue its consideration of this question at its sixtieth session.

48th meeting
15 April 2003
[Adopted by a recorded vote of 50 votes to 1,
with 2 abstentions. See chap. VIII.]

2003/8. Human rights situation of the Lebanese detainees in Israel

The Commission on Human Rights,

Recalling the report of the Secretary-General on the implementation of Security Council resolutions 425 (1978) and 426 (1978) of 19 March 1978 (S/2000/460), in particular paragraphs 7, 8, 12, 14, 16, 17, 21 and 48, endorsed by the Council (S/PRST/2000/18),

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* United States of America, the European Union, the Russian Federation and the United Nations.

Taking into consideration Security Council resolutions 1391 (2002) of 28 January 2002, in particular paragraph 11, and 1461 (2003) of 30 January 2003, in particular paragraph 10, in which the Council stressed the necessity to provide the Government of Lebanon and the United Nations Interim Force in Lebanon with any additional maps and records on the location of mines,

Gravely concerned at the persistent violation by Israel of the principles of international law regarding the protection of human rights, in particular those contained in the Universal Declaration of Human Rights, as well as the grave violation of the relevant provisions of international humanitarian law contained in the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the Additional Protocols to the Geneva Conventions of 1977,

Censuring breaches by Israel of the sovereignty and territorial integrity of Lebanon,

Hoping that the efforts to implement the Security Council resolutions on the occupied Arab territories, including resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, and to achieve peace in the Middle East will put an end to the violations of human rights being committed by Israel and that the peace negotiations will be resumed and conducted with a view to reaching a just and comprehensive peace in the region,

Gravely concerned about the hundreds of thousands of landmines left behind by Israel in southern Lebanon, which have so far caused hundreds of deaths and injuries to civilians, including women and children,

Deploring the failure of the Government of Israel to submit all the maps showing the deployment of those landmines,

Condemning the persistent detention, ill-treatment and torture by Israel of many Lebanese civilians who were abducted and detained in Lebanon and subsequently transferred to prisons in Israel,

Expressing its indignation at the ruling handed down on 4 March 1998 by the Supreme Court of Israel permitting the Israeli authorities to retain Lebanese detainees in Israeli prisons without trial and to hold them as hostages and for bargaining purposes and the recent renewal of their incommunicado detention, which constitutes a flagrant violation of the principles of human rights,

Reaffirming its resolutions 2001/10 of 18 April 2001 and 2002/10 of 19 April 2002, and expressing its deep regret at the failure of the Government of Israel to implement those resolutions fully,

1. *Calls upon* the Government of Israel to comply with the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto;

2. *Also calls upon* the Government of Israel to refrain from holding the detained Lebanese citizens incarcerated in its prisons as hostages for bargaining purposes and to release them immediately, in compliance with all the Geneva Conventions and other provisions of international law;

3. *Affirms* the obligation of Israel to commit itself to allowing the International Committee of the Red Cross to visit the detainees regularly, as well as to allowing other international humanitarian organizations to do so and to verify their sanitary and humanitarian conditions and, in particular, the circumstances of their detention;

4. *Calls upon* the Government of Israel to submit to the United Nations Interim Force in Lebanon all the maps of the landmine fields laid throughout the civilian villages, fields and farms, causing casualties among civilians, including children and women, and obstructing the resumption of normal life in the area;

5. *Requests* the Secretary-General:

(*a*) To bring the present resolution to the attention of the Government of Israel and to call upon it to comply with its provisions;

(*b*) To report to the General Assembly at its fifty-eighth session and to the Commission at its sixtieth session on the results of his efforts in this regard;

6. *Decides* to continue its consideration of the situation of the Lebanese detainees at its sixtieth session.

50th meeting
16 April 2003
[Adopted by a recorded vote of 32 votes to 1,
with 20 abstentions. See chap. IX.]

2003/9. Cooperation with representatives of United Nations human rights bodies

The Commission on Human Rights,

Reiterating its concern at the continued reports of intimidation and reprisals against private individuals and groups who seek to cooperate with the United Nations and representatives of its human rights bodies,

Also concerned at reports about incidents in which private individuals have been hampered in their efforts to avail themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms,

Recalling its resolution 2002/17 of 19 April 2002 and taking note of the report of the Secretary-General on the question (E/CN.4/2003/34),

1. *Urges* Governments to refrain from all acts of intimidation or reprisal against:

(*a*) Those who seek to cooperate or have cooperated with representatives of United Nations human rights bodies, or who have provided testimony or information to them;

(*b*) Those who avail or have availed themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms and all those who have provided legal assistance to them for this purpose;

(*c*) Those who submit or have submitted communications under procedures established by human rights instruments;

(*d*) Those who are relatives of victims of human rights violations;

2. *Condemns* all acts of intimidation or reprisal by Governments against private individuals and groups who seek to cooperate with the United Nations and representatives of human rights bodies;

3. *Requests* all representatives of United Nations human rights bodies, as well as treaty bodies monitoring the observance of human rights, to continue to take urgent steps, in conformity with their mandates, to help prevent the occurrence of such intimidation and reprisals and the hampering of access to United Nations human rights procedures in any way;

4. *Also requests* such representatives and treaty bodies to continue to include in their respective reports to the Commission on Human Rights, the Sub-Commission on the Promotion and Protection of Human Rights or the General Assembly a reference to allegations of intimidation or reprisal and of hampering of access to United Nations human rights procedures, as well as an account of action taken by them in this regard;

5. *Requests* the Secretary-General to draw the attention of such representatives and treaty bodies to the present resolution;

6. *Invites* the Secretary-General to submit to the Commission at its sixtieth session a report containing a compilation and analysis of any available information, from all appropriate sources, on alleged reprisals against the persons referred to in paragraph 1 above;

7. *Decides* to consider the question again at its sixtieth session.

50th meeting
16 April 2003
[Adopted without a vote. See chap. IX.]

2003/10. Situation of human rights in the Democratic People's Republic of Korea

The Commission on Human Rights,

Reaffirming that all States Members of the United Nations have the obligation to promote and protect human rights and fundamental freedoms and to implement the obligations they have assumed under the various international instruments,

Mindful that the Democratic People's Republic of Korea is a party to the International Covenant on Civil and Political Rights and to the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women,

Taking note of the reports submitted by the Democratic People's Republic of Korea concerning the implementation of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, and encourages the Democratic People's Republic of Korea to continue to submit its reports in a timely manner,

Taking note also of the concluding observations of the Committee on the Rights of the Child and the Human Rights Committee concerning the reports that the Democratic People's Republic of Korea has submitted to them,

Expressing its deep concern at the precarious humanitarian situation in the country, in particular the prevalence of infant malnutrition which, despite recent progress, still affects a significant percentage of children and their physical and mental development,

Reaffirming that it is the responsibility of the Government of the Democratic People's Republic of Korea to ensure the full enjoyment of all human rights and fundamental freedoms of its entire population,

Underlining the importance of the effective continuation of the process of rapprochement between the two Koreas and noting the recent progress in this respect,

Desiring to promote a constructive approach leading to concrete progress in the field of human rights,

1. *Expresses its deep concern* about reports of systemic, widespread and grave violations of human rights in the Democratic People's Republic of Korea, including:

(*a*) Torture and other cruel, inhuman or degrading treatment or punishment, public executions, imposition of the death penalty for political reasons, the existence of a large number of prison camps and the extensive use of forced labour, and lack of respect for the rights of persons deprived of their liberty;

(*b*) All-pervasive and severe restrictions on the freedoms of thought, conscience, religion, opinion and expression, peaceful assembly and association and on access of everyone to information, and limitations imposed on every person who wishes to move freely within the country and travel abroad;

(*c*) The mistreatment of and discrimination against disabled children whose particular needs are not sufficiently taken into consideration, while at the same time welcoming, in this regard, reports of the preparation of a law on physically disabled persons;

(*d*) Continued violation of the human rights and fundamental freedoms of women;

2. *Notes with regret* that the authorities of the Democratic People's Republic of Korea have not created the necessary conditions to permit the international community to verify these reports in an independent manner and calls upon the Government to respond urgently to these reports and these concerns, including:

(*a*) By ratifying human rights instruments to which the Democratic People's Republic of Korea is not yet a party, in particular the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the

Elimination of All Forms of Racial Discrimination, and by implementing its obligations under the human rights instruments to which the Democratic People's Republic of Korea is a party, namely the International Covenant on Economic, Social and Cultural Rights, in particular concerning the right of everyone to be free from hunger, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, ensuring that all necessary measures are undertaken to this end;

(*b*) By providing all pertinent information concerning the above-mentioned issues;

(*c*) By implementing the recommendations of the Committee on the Rights of the Child and the Human Rights Committee;

(*d*) By refraining from sanctioning citizens of the Democratic People's Republic of Korea who have moved to other countries, in particular for humanitarian reasons, and refraining from treating their departure as treason leading to punishments of internment, inhuman or degrading treatment or the death penalty;

(*e*) By cooperating with the United Nations system in the field of human rights and cooperating without restriction with the thematic procedures of the Commission on Human Rights relevant to the situation of the Democratic People's Republic of Korea, in particular with the Special Rapporteur on the right to food, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on freedom of religion or belief, the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances, as well as with international human rights organizations;

(*f*) By resolving, clearly and transparently, all the unresolved questions relating to the abduction of foreigners;

(*g*) By adhering to internationally recognized labour standards;

3. *Is deeply concerned* about reports of a precarious humanitarian situation;

4. *Calls upon* the authorities of the Democratic People's Republic of Korea to ensure that humanitarian organizations, in particular the United Nations agencies, have free and unimpeded access to all parts of the Democratic People's Republic of Korea in order for them to ensure that humanitarian assistance is delivered impartially on the basis of need, in accordance with humanitarian principles;

5. *Requests* the international community to continue to urge the Government of the Democratic People's Republic of Korea to ensure that humanitarian assistance, especially food aid, destined for the people of the Democratic People's Republic of Korea is distributed in accordance with humanitarian principles and that representatives of international humanitarian actors are allowed to travel throughout the country to monitor this distribution, and to ensure the respect for the fundamental principles of asylum;

6. *Requests* the United Nations High Commissioner for Human Rights to engage in a comprehensive dialogue with the authorities of the Democratic People's Republic of Korea with a view to establishing technical cooperation programmes in the field of human rights and to submit his findings and recommendations to the Commission at its sixtieth session;

7. *Decides* to continue its consideration of this question at its sixtieth session under the same agenda item as a matter of high priority.

52nd meeting
16 April 2003
[Adopted by a recorded vote of 28 votes to 10,
with 14 abstentions. See chap. IX.]

2003/11. Situation of human rights in Turkmenistan

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and the Universal Declaration of Human Rights and the duty to fulfil the obligations they have undertaken under the International Covenants on Human Rights and other applicable human rights instruments,

Mindful that Turkmenistan is a party to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Reaffirming that no one shall be subjected to arbitrary arrest or detention and that everyone is entitled in full equality to a fair and public hearing, by an independent and impartial tribunal, in the determination of their rights and obligations and of any criminal charge against them,

Reaffirming also that everyone has the right to freedom of opinion and expression,

Reaffirming further that the fight against terrorism should be conducted in full respect of human rights and democratic principles,

Deeply concerned about the events of 25 November 2002 and the consequences thereof,

Taking note of the meeting on 22 January 2003 in Vienna between the Minister for Foreign Affairs of Turkmenistan and the permanent representatives of the group of ten participating States of the Organization for Security and Cooperation in Europe that had invoked the "Moscow mechanism" approved in 1991 by the Conference on the Human Dimension of the Organization for Security and Cooperation in Europe,

1. *Expresses its appreciation* at the recent announcement by the Government of Turkmenistan that it will uphold the decision by the Peoples' Council of Turkmenistan in December 1999 to abolish the death penalty;

2. *Expresses its concern* at the restrictions imposed on the realization of the right of everyone to education by the introduction of measures by the Government of Turkmenistan which have drastically reduced the number of years of compulsory education and the number of university places;

3. *Expresses its grave concern* at:

(*a*) The persistence of a governmental policy based on the repression of all political opposition activities and on the abuse of the legal system through arbitrary detention, imprisonment and surveillance of persons who try to exercise their freedoms of thought, expression, assembly and association, and harassment of their families;

(*b*) The suppression of independent media and freedom of expression, at attempts to restrict the access of the international media and at restrictions on the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of choice;

(*c*) Restrictions on the exercise of the freedom of thought, conscience and religion, despite guarantees contained in the Constitution of Turkmenistan and in the International Covenant on Civil and Political Rights, including by the harassment and persecution of members of independent faith groups and the discriminatory use of the registration procedures for such groups;

(*d*) The heavy prison sentences given to objectors to compulsory military service on religious grounds, such as Jehovah's Witnesses, and the lack of alternative service compatible with the reasons for conscientious objection, of a non-combatant or civilian character, in the public interest and not of a punitive nature;

(*e*) The discrimination by the Government of Turkmenistan against ethnic Russian, Uzbek and other minorities in the fields of education and employment, which is contrary to the Constitution of Turkmenistan and the International Covenant on Economic, Social and Cultural Rights;

(*f*) The creation of almost insurmountable obstacles to marriages of Turkmen with foreigners, inter alia through the imposition of an obligation to pay a large sum of money before such marriages can take place;

(*g*) The introduction of new exit visa requirements for Turkmen nationals and the unreasonable registration regulations for foreign nationals introduced on 1 March 2003, which curtail enjoyment of the right to liberty of movement and freedom to leave the country;

(*h*) The manner in which the elections of 6 April 2003 were organized and conducted, which did not represent a free and fair process;

4. *Deplores*:

(*a*) The treatment of accused individuals in violation of the International Covenant on Civil and Political Rights following the events of 25 November 2002, including arbitrary detentions, arbitrary arrests, convictions in the absence of the observation of minimum rules of due process, including the ability to prepare and execute one's defence with counsel of one's own choosing, imposition of sentences in violation of the principle *nulla poena sine lege*, the harassment of family members of the accused and the arbitrary confiscation of their homes and property and, especially, their announced eviction and reports of forced displacement to remote areas of the country;

(*b*) The conduct of the Turkmen authorities with regard to the lack of fair trials of the accused, the reliance on confessional evidence which may have been extracted by torture or the threat of torture, the closed court proceedings, contrary to article 105 of the Constitution of Turkmenistan, which provides that trials should be open, except in a narrowly defined set of circumstances, and the refusal to allow diplomatic missions or international observers in Ashgabat access to the trials as observers;

(*c*) The reluctance of the Government of Turkmenistan to cooperate with the "Moscow mechanism" and to allow the Rapporteur on Turkmenistan of the Organization for Security and Cooperation in Europe to examine concerns arising from the events of 25 November 2002, as well as to respect its human rights commitments as a participant State of the Organization for Security and Cooperation in Europe and a member of the United Nations;

5. *Calls upon* the Government of Turkmenistan:

(*a*) To ensure full respect for all human rights and fundamental freedoms, in particular the freedoms of expression, religion, association and assembly, the right to a fair trial by an independent and impartial tribunal established by law and the protection of the rights of persons belonging to ethnic and religious minorities, and to take the necessary measures to refrain from subjecting conscientious objectors to imprisonment;

(*b*) To grant urgently access by independent bodies, including the International Committee of the Red Cross, to the persons detained following the events of 25 November 2002;

(*c*) To put an end to forced displacement and guarantee freedom of movement inside the country;

(*d*) To fulfil its responsibility to ensure that those responsible for human rights violations are brought to justice;

(*e*) To remove restrictions on the activities of non-governmental organizations, particularly human rights non-governmental organizations, and other civil society actors;

(*f*) To implement the recommendations outlined in the report of the Rapporteur of the Organization for Security and Cooperation in Europe;

(*g*) To develop a constructive dialogue with the United Nations High Commissioner for Human Rights and his Office;

(*h*) To cooperate fully with all the mechanisms of the Commission on Human Rights, including the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on the question of torture, the Special Rapporteur on extrajudicial, summary and arbitrary executions, the Special Rapporteur on the right to freedom of opinion and expression, and the Special Rapporteur on freedom of religion or belief, as well as the Working Group on

Arbitrary Detention as well as the Representative of the Secretary-General on internally displaced persons and the Special Representative of the Secretary-General on the situation of human rights defenders, including by issuing invitations to visit the country;

(*i*) To submit reports to all relevant United Nations treaty bodies and to ensure full implementation of their recommendations;

6. *Urges* the Government of Turkmenistan immediately and unconditionally to release all prisoners of conscience;

7. *Calls upon* the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on the question of torture, the Special Rapporteur on extrajudicial, summary and arbitrary executions, the Special Rapporteur on the right to freedom of opinion and expression, and the Special Rapporteur on freedom of religion or belief as well as the Working Group on Arbitrary Detention and the Representative of the Secretary-General on internally displaced persons and the Special Representative of the Secretary-General on the situation of human rights defenders to seek invitations from the Government of Turkmenistan to visit the country;

8. *Requests* the Secretary-General to bring the present resolution to the attention of all relevant parts of the United Nations system;

9. *Decides* to continue its consideration of this question at its sixtieth session.

52nd meeting
16 April 2003
[Adopted by a recorded vote of 23 votes to 16,
with 14 abstentions. See chap. IX.]

2003/12. Situation of human rights in Myanmar

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and the duty to fulfil the obligations they have undertaken under the various international instruments in the field,

Aware that Myanmar is a party to the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Prevention and Punishment of the Crime of Genocide, the Geneva Conventions of 12 August 1949 on the protection of the victims of war, as well as the 1930 Convention concerning forced or compulsory labour (No. 29) and the 1948 Convention concerning freedom of association and protection of the right to organize (No. 87) of the International Labour Organization, *Recalling* its previous resolutions on the subject, the most recent of which is resolution 2002/67 of 25 April 2002, and those of the General Assembly, the most recent of which is resolution 57/231 of 18 December 2002,

Bearing in mind the report of the Secretary-General on children and armed conflict (S/2002/1299),

Recalling resolution I adopted by the International Labour Organization at its eighty-eighth session, on 14 June 2000, concerning the practice of forced or compulsory labour in Myanmar,

Affirming that the will of the people is the basis of the authority of government and that the will of the people of Myanmar was clearly expressed in the elections held in 1990,

Affirming also that the establishment of a genuine democratic government in Myanmar is essential for the realization of all human rights and fundamental freedoms,

Recognizing that good governance, democracy, the rule of law and respect for human rights are essential to achieve sustainable development and economic growth, and that good governance includes the idea of transparent, responsible, accountable and participatory government at all levels,

1. *Welcomes*:

(*a*) The freedom of movement within the country enjoyed by the leader of the National League for Democracy, Aung San Suu Kyi;

(*b*) The release from prison of a number of persons detained for political activities;

(*c*) The reports of both the Special Rapporteur on the situation of human rights in Myanmar (E/CN.4/2003/41) and of the Secretary-General on his Special Envoy for Myanmar (E/CN.4/2003/33);

(*d*) The visits to Myanmar by the Special Envoy of the Secretary-General during the past year and the cooperation extended to him by the Government of Myanmar;

(*e*) The visits to Myanmar by the Special Rapporteur during the past year, but expresses concern over the curtailment of his fact-finding visit in March 2003 owing to the discovery of listening devices during his interviews with prisoners in Insein Prison, and expects that the outcome of a thorough investigation into the incident will be communicated to the United Nations High Commissioner for Human Rights;

(*f*) The continued cooperation with the International Committee of the Red Cross and the slight improvement in the conditions of detention;

(*g*) The visit by an Amnesty International delegation to Myanmar;

(*h*) The appointment of the Liaison Officer of the International Labour Organization and her efforts to fulfil her mandate;

(*i*) The growing awareness of the Government of the need to combat the production of opium in Myanmar;

(*j*) The growing awareness of the Government of the need to respond effectively to the ever-increasing impact of the human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) on the population of Myanmar;

(*k*) The dissemination of human rights standards for public officials and some non-governmental organizations and ethnic groups through a series of human rights workshops, but stresses that such activities need to lead also to concrete efforts to improve the human rights situation on the ground;

2. *Takes note* of the establishment by the Government of a committee on human rights as a precursor to the establishment of a national human rights commission, which would follow the Principles relating to the status of national institutions on the promotion and protection of human rights (the Paris Principles) annexed to General Assembly resolution 48/134 of 20 December 1993, but also notes that further progress has not been achieved regarding the establishment of an effective and independent national human rights commission;

3. *Expresses its grave concern* at:

(*a*) The ongoing systematic violation of human rights, including civil, political, economic, social and cultural rights, of the people of Myanmar;

(*b*) The continued refusal to enter into a genuine political dialogue with Aung San Suu Kyi and other democratic leaders and the harassment and attempted intimidation of Aung San Suu Kyi and opposition activists by the authorities of Myanmar, supported by the Union Solidarity and Development Association;

(*c*) Extrajudicial killings; reports of rape and other forms of sexual violence persistently carried out by members of the armed forces; continuing use of torture; renewed instances of political arrests and continuing detentions, including of prisoners whose sentences have expired; forced relocation; destruction of livelihoods and confiscations of land by the armed forces; forced labour, including child labour; trafficking in persons; denial of freedom of assembly, association, expression and movement; discrimination and persecution on the basis of religious or ethnic background; wide disrespect for the rule of law and lack of independence of the judiciary; unsatisfactory conditions of detention; systematic use of child soldiers; and violations of the rights to an adequate standard of living, such as food, and to medical care and to education;

(*d*) The violations of human rights suffered in particular by persons belonging to ethnic minorities, women and children, especially in non-ceasefire areas;

(*e*) The situation of the large number of internally displaced persons and the flow of refugees to neighbouring countries, and recalls in this context the obligations of Myanmar under international law;

(*f*) The still insufficient response of the Myanmar authorities to the progressively more critical HIV/AIDS situation in Myanmar;

4. *Calls upon* the Government of Myanmar:

(*a*) To fulfil its obligations to restore the independence of the judiciary and due process of law, and to take further steps to reform the system of the administration of justice;

(*b*) To take immediate action to implement fully concrete legislative, executive and administrative measures to eradicate the practice of forced labour by all organs of government, including the armed forces, and to implement fully the recommendations of the Commission of Inquiry established to examine the observance by Myanmar of the Convention concerning forced or compulsory labour (No. 29) of the International Labour Organization;

(*c*) To take action to agree on modalities and a framework for the position of the liaison officer of the International Labour Organization to evolve quickly into a full and effective representation of the organization in Myanmar as envisaged by the high level team of that organization;

(*d*) To immediately ensure safe and unhindered access to all parts of Myanmar for the United Nations and international humanitarian organizations and to cooperate fully with all sectors of society, especially with the National League for Democracy and other relevant political, ethnic and community-based groups through consultation, to ensure the provision of humanitarian assistance and to guarantee that it actually reaches the most vulnerable groups of the population;

(*e*) To improve cooperation with the Special Envoy of the Secretary-General on Myanmar and the Special Rapporteur in order to bring Myanmar towards a transition to civilian rule, and to ensure that they are both granted full and free access to Myanmar and that all persons cooperating with the Special Envoy and Special Rapporteur are not subjected to any form of intimidation, harassment or punishment;

(*f*) To consider as a matter of high priority becoming party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention relating to the Status of Refugees and the Protocol thereto, the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, the 1999 Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labour (No. 182) of the International Labour Organization, the Convention on the Prohibition on the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, and the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949;

(*g*) To pursue through dialogue and peaceful means the immediate suspension and permanent end of conflict with all ethnic groups in Myanmar;

(*h*) To establish a national human rights commission in accordance with the Paris Principles;

5. *Strongly urges* the Government of Myanmar:

(*a*) To restore democracy and respect the results of the 1990 elections and to enter immediately into substantive and structured dialogue with Aung San Suu Kyi and other leaders of the National League for Democracy towards democratization and national reconciliation and at an early stage to include other political leaders in these talks, including representatives of the ethnic groups;

(*b*) To end the systematic violations of human rights in Myanmar, to ensure full respect for all human rights and fundamental freedoms, to end impunity and to investigate and bring to justice any perpetrators of human rights violations, including members of the military and other government agents in all circumstances;

(*c*) Without further delay to cooperate fully with the Special Rapporteur to facilitate an independent international investigation of continuing reports of sexual violence and other abuse of civilians carried out by members of the armed forces in Shan and other States;

(*d*) To release unconditionally and immediately all political prisoners with particular emphasis on the elderly and the sick;

(*e*) To put an immediate end to the recruitment and use of child soldiers and to extend full cooperation to relevant international organizations in order to ensure the demobilization of child soldiers, their return home and their rehabilitation in accordance with Security Council resolution 1460 (2003) of 30 January 2003;

(*f*) To lift all restraints on peaceful political activity of all persons, including former political prisoners, by, inter alia, guaranteeing freedom of association and freedom of expression, including freedom of the media, and to ensure unhindered access to information for the people of Myanmar;

(*g*) To end the systematic enforced displacement of persons and other causes of refugee flows to neighbouring countries, to provide the necessary protection and assistance to internally displaced persons and to respect the right of refugees to voluntary, safe and dignified return monitored by appropriate international agencies;

(*h*) To recognize further the mounting gravity of the situation regarding HIV/AIDS and to carry out fully the necessary action against the epidemic, including through the effective implementation in Myanmar of the United Nations joint action plan on HIV/AIDS, in cooperation with all political and ethnic groups and with the cooperation and assistance of all relevant international agencies;

6. *Decides*:

(*a*) To extend the mandate of the Special Rapporteur, as contained in Commission resolution 1992/58 of 3 March 1992, for a further year, and requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-eighth session and to report to the Commission at its sixtieth session;

(*b*) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully;

7. *Requests* the Secretary-General to bring the present resolution to the attention of all relevant parts of the United Nations system;

8. *Decides* to continue consideration of this question at its sixtieth session;

9. *Recommends* the following decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 2.]

52nd meeting
16 April 2003
[Adopted without a vote. See chap. IX.]

2003/13. Situation of human rights in Cuba

The Commission on Human Rights,

Taking into account its resolution 2002/18 of 19 April 2002,

Considering that in the above-mentioned resolution it had requested the United Nations High Commissioner for Human Rights to take steps to send a personal representative with a view to cooperation between his Office and the Government of Cuba in the implementation of the resolution,

Bearing in mind that the High Commissioner has proceeded to appoint Ms. Christine Chanet as his Personal Representative,

1. *Expresses its satisfaction* with the appointment of Ms. Christine Chanet as Personal Representative of the High Commissioner, for the implementation of resolution 2002/18;

2. *Urges* the Government of Cuba to receive the Personal Representative of the High Commissioner and to provide all the facilities necessary for her to be able to fulfil the mandate contained in resolution 2002/18;

3. *Decides* to consider this matter further at its sixtieth session, under the same agenda item, in connection with which the Personal Representative of the High Commissioner will submit her report on the implementation of resolution 2002/18.

54th meeting
17 April 2003
[Adopted by a recorded vote of 24 votes to 20,
with 9 abstentions. See chap. IX.]

2003/14. Situation of human rights in Belarus

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the international obligations they have freely undertaken,

Mindful that Belarus is a party to the International Covenant on Civil and Political Rights and the Optional Protocol thereto, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Welcoming the reopening of the office of the Organization for Security and Cooperation in Europe in Minsk,

Mindful of the requests made to the Government of Belarus by the Working Group on Enforced or Involuntary Disappearances regarding the disappearance of the former Minister of Internal Affairs, Yury Zakharenko,

Noting the conclusions and recommendations of the Committee against Torture on the third periodic report of Belarus, which appear in the report of the Committee on its twenty-fifth and twenty-sixth sessions (A/56/44) and the recommendations of the Special Rapporteur on the independence of judges and lawyers contained in his report on the mission to Belarus (E/CN.4/2001/65/Add.1), as well as the lack of progress of the Government of Belarus in addressing the noted shortfalls,

1. *Expresses deep concern*:

(*a*) At reports from credible sources, including statements of former investigators and senior law enforcement officials of the Government of Belarus, implicating senior officials of the Government of Belarus in the forced disappearance and/or summary execution of three political opponents of the incumbent authorities and of a journalist;

(*b*) About reports of arbitrary arrest and detention;

(*c*) About persistent reports of harassment of non-governmental organizations, opposition political parties and individuals engaged in opposition activities and independent media;

(*d*) About reports of potential increased restrictions on the activities of religious organizations;

2. *Urges* the Government of Belarus:

(*a*) To dismiss or suspend from their duties law enforcement officers implicated in forced disappearances and/or summary executions, pending an impartial, credible and full investigation of those cases;

(*b*) To ensure that all necessary measures are taken to investigate fully and impartially all cases of forced disappearance, summary execution and torture and that perpetrators are brought to justice before an independent tribunal and, if found guilty, punished in a manner consistent with the international human rights obligations of Belarus;

(*c*) To bring the actions of its police and security forces into conformity with its obligations under the International Covenant on Civil and Political Rights as well as other relevant international standards;

(*d*) To establish independence of the judiciary and end impunity for persons responsible for killing or injuring individuals;

(*e*) To release journalists and other individuals detained for politically motivated reasons and to cease harassment of non-governmental organizations and political parties;

3. *Also urges* the Government of Belarus to cooperate fully with all the mechanisms of the Commission, including through extending invitations to the Special Rapporteur on the question of torture, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the right to freedom of opinion and expression, and the Special Representative of the Secretary-General on the situation of human rights defenders, as well as the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances;

4. *Decides* to consider this question at its sixtieth session, under the same agenda item.

54th meeting
17 April 2003
[Adopted by a recorded vote of 23 votes to 14,
with 16 abstentions. See chap. IX.]

2003/15. Situation of human rights in the Democratic Republic of the Congo

The Commission on Human Rights,

Reaffirming that all States Members have an obligation to promote and protect human rights and fundamental freedoms,

Noting that the Democratic Republic of the Congo is a party to several international and regional human rights instruments and to several instruments pertaining to international humanitarian law, *Recalling* its previous relevant resolutions, the most recent of which is resolution 2002/14 of 19 April 2002, those of the General Assembly, the most recent of which is resolution 57/233 of 18 December 2002, those of the Security Council resolutions, the most recent of which is resolution 1468 (2003) of 20 March 2003, and the statement of the President of the Security Council of 15 January 2003,

Recalling the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions concerning the massacres that took place in the region of Kisangani on 14 May 2002 and thereafter (E/CN.4/2003/3/Add.3), and referring in that connection to the statement by the President of the Security Council of 18 October 2002 (S/PRST/2002/27),

Taking note of the report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo (S/2003/211) and of his report on children and armed conflict (S/2002/1299),

Concerned at the violations of human rights and international humanitarian law committed in the territory of the Democratic Republic of the Congo by all the parties to the conflict, as mentioned in the report of the United Nations High Commissioner for Human Rights (see S/2003/216) and the oral report of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo,

1. *Welcomes*:

(*a*) The Peace Agreement signed at Pretoria on 30 July 2002 and the Peace Agreement signed at Luanda on 6 September 2002, the final act of the inter-Congolese dialogue, the conclusion of the comprehensive transition agreement on 2 April 2003 endorsing the agreement signed at Pretoria on 17 December 2002, and the agreement on a transitional constitution and a national army signed at Pretoria on 6 March 2003;

(*b*) The continued presence and increased deployment of the United Nations Organization Mission in the Democratic Republic of the Congo in support of the implementation of the Lusaka Ceasefire Agreement, the Pretoria and Luanda Peace Agreements and the relevant Security Council resolutions;

(*c*) The release of some human rights defenders and the action of the Congolese Ministry of Human Rights;

(*d*) The visit by the United Nations High Commissioner for Human Rights to the Democratic Republic of the Congo from 12 to 15 January 2003, the report which he submitted to the Security Council on 24 February 2003 (ibid.) and the action taken by the Human Rights Field Office in the Democratic Republic of the Congo, and encourages the Government to continue to strengthen cooperation with this Office;

(*e*) The report submitted by the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo to the fifty-seventh session of the General Assembly (see A/57/437) and the Special Rapporteur's recent visit to the Democratic Republic of the Congo from 28 February to 10 March 2003;

(*f*) The consultations between the Secretary-General and the High Commissioner on ways of dealing with the problem of impunity in the Democratic Republic of the Congo, and takes note of the High Commissioner's proposal to establish an international body of inquiry to investigate serious violations of human rights and international humanitarian law;

(*g*) The promulgation by the Head of State on 4 April 2003 of the Constitution which is to govern the country throughout the transition;

2. *Expresses its concern* at:

(*a*) The continuing violation of human rights and international humanitarian law in the Democratic Republic of the Congo, particularly in Ituri and the east of the country;

(*b*) The prevailing severe insecurity, particularly in the zones held by armed rebels, which seriously hampers the ability of humanitarian organizations to secure access to affected populations;

(*c*) The reports of the perpetration in Mambasa region by forces of the Movement for the Liberation of the Congo (MLC) and the Congolese Rally for Democracy-National (RCD-N) of acts of mutilation and cannibalism;

3. *Condemns*:

(*a*) The massacres that have occurred in the province of Ituri, particularly the recent massacres at Drodro, and supports the efforts of the United Nations Organization Mission and the Human Rights Field Office in the Democratic Republic of the Congo to investigate them;

(*b*) The persistence and intensification of fighting in the east of the country, which continues in contravention of international humanitarian law to claim numerous civilian victims, particularly in Ituri and Kivu, and also in the zones under the effective control of the Congolese Rally for Democracy-Goma (RCD-Goma), the Congolese Rally for Democracy-Liberation Movement (RCD-ML), RCD-N and MLC;

(*c*) The reprisals against the civilian population in the territories controlled by RCD-Goma and MLC, especially the operation *Effacer le tableau* ("Clean the slate") at the end of 2002, in addition to the violent acts committed by the Union of Congolese Patriots (UPC), and stresses that the foreign forces which support RCD-Goma, MLC and UPC should also be held responsible for the massacres and atrocities that have occurred;

(*d*) The continuing violence in the Ituri region, and stresses in this connection that it is incumbent upon Uganda and the rebels who de facto control the zone to ensure respect for human rights and stop using ethnic conflicts to advance their own agendas;

(*e*) The cases of summary or arbitrary execution, disappearance, torture, harassment, arrest, widespread persecution and arbitrary detention for long periods;

(*f*) The widespread recourse to sexual violence against women and children, including as a means of warfare;

(*g*) The continuing recruitment and use of child soldiers by armed forces and groups in the territory of the Democratic Republic of the Congo;

(*h*) The impunity of those responsible for violations of human rights and international humanitarian law, and points out in this connection that the Democratic Republic of the Congo is a party to the Rome Statute of the International Criminal Court (A/CONF.183/9);

(*i*) The illegal exploitation of the natural resources of the Democratic Republic of the Congo, in view of the link between that exploitation and the continuation of the conflict;

4. *Urges* all parties to the conflict in the Democratic Republic of the Congo:

(*a*) To cease all military activity, including support for the armed groups allied to them, in order to facilitate the re-establishment without delay of the sovereignty and territorial integrity of the Democratic Republic of the Congo;

(*b*) To respect their obligations as regards the implementation of the transitional constitution;

(*c*) To protect human rights and to respect international humanitarian law in the areas under their control and to allow free and secure access to those areas so as to permit and support investigations of the presumed serious violations of human rights and international humanitarian law, with a view to bringing those responsible to justice, and to cooperate fully with international human rights protection mechanisms to that end;

(*d*) To put an immediate end to the recruitment and use of child soldiers, which are in contravention of international law, mindful that under the Convention on the Rights of the Child and the Optional Protocol thereto on the involvement of children in armed conflict persons under 18 are entitled to special protection, and to provide information without delay on measures taken to discontinue such practices;

(*e*) To respect the rights of women and to take special measures to protect women and children from sexual and all other forms of violence;

(*f*) To cooperate with the Ituri Pacification Commission to oversee the settlement of the conflict in the north-east of the Democratic Republic of the Congo;

(*g*) To ensure that the military officers whose names are mentioned in the report of the High Commissioner in connection with serious violations of international humanitarian law and human rights should continue to be investigated and, if the conclusions of the investigations so warrant, be brought to justice;

(*h*) To take into account, when selecting individuals for key posts in the transitional government, of the commitment and record of those individuals with regard to respect for international humanitarian law and human rights and the promotion of the well-being of all the Congolese;

(*i*) To prevent conditions that might lead to flows of refugees and displaced persons in the territory of the Democratic Republic of the Congo and across its borders, and to take and apply all necessary measures to establish conditions conducive to the voluntary return of refugees and displaced persons;

(*j*) To ensure the safety and freedom of movement of United Nations personnel and the unhindered access of humanitarian personnel to all affected populations;

(*k*) To extend full cooperation to the United Nations system, humanitarian organizations and the World Bank in order to ensure the rapid demobilization and reintegration of armed groups and of child soldiers in particular;

5. *Calls upon* the Government of the Democratic Republic of the Congo to take specific measures:

(*a*) To implement, together with all the Congolese parties, the power-sharing agreement concluded at Pretoria on 17 December 2002 and to apply the transitional constitution promulgated thereby so as to initiate the transitional period and pave the way for a genuine democratization process;

(*b*) To comply fully with its obligations under international human rights instruments, and accordingly to continue to cooperate with United Nations mechanisms for the protection of human rights and further strengthen its cooperation with the Human Rights Field Office in the Democratic Republic of the Congo;

(*c*) To put an end to impunity and ensure, as it is duty-bound to do, that those responsible for human rights violations and grave breaches of international humanitarian law are brought to justice in accordance with due process;

(*d*) To continue to cooperate fully with the International Tribunal for Rwanda;

(*e*) To continue to reform the judicial system and, in this connection, to give immediate effect to its decisions to abolish the Military Court, and notes the entry into force of the presidential decrees on the reform of the military justice system;

(*f*) To reinstate the moratorium on capital punishment and persevere in its declared objective of progressively abolishing the death penalty, in which connection the Commission deplores the application of the death penalty, particularly the death sentences passed on 7 January 2003 by the Military Court that tried the persons accused of assassinating the former President of the Republic;

(*g*) Genuinely to close, in accordance with the decision of 8 March 2001, the irregular detention centres where the conditions of detention are degrading;

6. *Requests* the High Commissioner to keep it informed of the consultations between the Human Rights Field Office in the Democratic Republic of the Congo and the Secretary-General concerning the ways to assist the transitional Government of the Democratic Republic of the Congo in tackling the problem of impunity;

7. *Decides*:

(*a*) To extend the mandate of the Special Rapporteur for a further year and to request her to submit an interim report to the General Assembly at its fifty-eighth session and to report to the Commission at its sixtieth session on the situation of human rights in the Democratic Republic of the Congo;

(*b*) To request the Secretary-General to give the Special Rapporteur all necessary assistance to enable her to discharge her mandate fully;

8. *Recommends* the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 3.]

54th meeting
17 April 2003
[Adopted without a vote. See chap. IX.]

2003/16. Situation of human rights in Burundi

The Commission on Human Rights,

Mindful of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming its commitment to respect for the principles of the rule of law, which involve democracy, pluralism and respect for human rights and fundamental freedoms,

Stressing that States have the duty to promote and protect human rights and to fulfil their obligations under the various instruments to which they are parties,

Recalling its resolution 2002/12 of 19 April 2002,

Considering Security Council resolutions 1072 (1996) of 30 August 1996, 1286 (2000) of 19 January 2000 and 1375 (2001) of 29 October 2001, as well as the statements by the President of the Security Council of 12 November 1999 (S/PRST/1999/32), of 29 June 2001 (S/PRST/2001/17), of 26 September 2001 (S/PRST/2001/26), of 8 November 2001 (S/PRST/2001/33), of 15 November 2001 (S/PRST/2001/35), of 7 February 2002 (S/PRST/2002/3) and of 18 December 2002 (S/PRST/2002/40),

Recalling that the primary responsibility for peace lies with the Government and people of Burundi,

Acknowledging the efforts made by the United Nations, the African Union and the European Union aimed at contributing to a peaceful settlement of the Burundi crisis,

Mindful of the need to ensure the safety of all humanitarian workers in accordance with the principles of international law, *Welcoming* the signing of the Arusha Agreement on peace and reconciliation in Burundi on 28 August 2000, its ratification by the National Assembly and the adoption by the National Assembly of a transitional constitution, and the signing of a ceasefire agreement on 7 October 2002 between the Transitional Government of Burundi and the National Council for the Defence of Democracy-Forces for the Defence of Democracy (CNDD-FDD) of Jean-Bosco Ndayikengurukiye and the Party for the Liberation of the Hutu People-National Liberation Forces (PALIPEHUTU-FNL) of Alain Mugabarabona, and the signing of the ceasefire agreement between the Transitional Government and CNDD-FDD represented by Pierre Nkurunziza on 2 December 2002,

Recalling the decision of the Organization of African Unity of July 2000 (CM/Dec.522 (LXXII) Rev.1), the statement by the President of the Security Council of 2 March 2001 (S/PRST/2001/6) and the statement issued by the Presidency of the European Union on 6 March 2001, all on Burundi,

Hailing the establishment of the Arusha Agreement Implementation Monitoring Committee, with headquarters in Burundi, as well as the initial implementation of some ceasefire-accompanying measures, such as the arrival of the team of observers,

Recognizing the personal contribution of the late Mr. Julius K. Nyerere to the Arusha negotiation process and the facilitation work by the former President of South Africa, Mr. Nelson Mandela, which has already yielded tangible results, including the signature of the Arusha Agreement,

Considering that effective action to prevent further violations of human rights and fundamental freedoms is essential to the stability and reconstruction of Burundi and the lasting restoration of the rule of law,

Recognizing the important role of women in the reconciliation process and the search for peace,

Welcoming the invitation extended by the Facilitator to Burundi women's representatives to participate as observers in the Arusha negotiation process,

1. *Takes note* of the report of the Special Rapporteur on the situation of human rights in Burundi (E/CN.4/2003/45);

2. *Supports* the transitional institutions set up in the context of the implementation of the Arusha Agreement, namely, the Transitional National Assembly, the Transitional Senate as well as the Transitional Government, and encourages the implementation of the reforms provided for in the Arusha Agreement in a spirit of national unity and mutual confidence;

3. *Encourages* the Transitional Government to continue its actions aimed at associating all sectors of society in the work of national reconciliation and at the restoration of an institutional order that is safe and reassuring for everyone so as to bring back democracy and peace in the interest of the Burundian population;

4. *Urges* the Transitional Government to pursue the goal of ensuring the equal participation of women in Burundian society and improving their living conditions, in particular by taking legislative initiatives with regard to succession and systems of matrimonial property;

5. *Remains concerned* at the ongoing violence and the violation of human rights and international humanitarian law as well as the security situation in parts of the country, inducing the displacement of many people within and outside the country, and notes the efforts by the Burundian authorities to ensure that established safeguards for human rights and international human rights standards are fully respected;

6. *Condemns* the intensifying violence, especially acts of rape committed against women and urges all parties to the conflict to end the cycle of violence and killings, especially blind violence against the civilian population;

7. *Enjoins* all parties, namely, the Transitional Government and the signatories of the Arusha Agreement and the ceasefire, to honour their commitments and to pay special attention to the protection of human rights, and urges all the armed groups which have still not joined the negotiations to do so without further delay in order to ensure a comprehensive and definitive ceasefire;

8. *Expresses its concern* at the situation of displaced persons, deplores in particular the unacceptable living conditions in the displaced persons sites and recommends that the Transitional Government, United Nations specialized agencies and non-governmental organizations provide humanitarian assistance;

9. *Notes* the continuing voluntary repatriation of refugees hosted in the United Republic of Tanzania, pursuant to the tripartite agreements between the Office of the United Nations High Commissioner for Refugees and the Governments of Tanzania and Burundi, and calls on the parties concerned to establish conditions for voluntary and permanent return in full security;

10. *Welcomes* the willingness of the Transitional Government to find agreed solutions to the sensitive problem of the persons affected by the war through the establishment of the Standing Consultation Machinery for the Protection of Displaced Persons and its technical monitoring group, which is composed of representatives of the Transitional Government and humanitarian organizations, as well as the establishment of the National Commission for the Rehabilitation of *Sinistrés* (Survivors);

11. *Invites* the Transitional Government to take more measures, including in the judicial sphere, to put an end to impunity, in particular by bringing to trial those responsible for violations of human rights and of international humanitarian law, in accordance with relevant international principles, and urges the Transitional Government to accelerate specific procedures for the investigation and prosecution of such violations;

12. *Acknowledges* the signature by Burundi of the Rome Statute of the International Criminal Court (A/CONF.183/9) and encourages the Transitional Government to ratify it;

13. *Welcomes* the entry into force, in January 2000, of the new Code of Criminal Procedure, exhorts the Transitional Government to continue to carry out the plan of legal reform better to protect individual freedoms and to make its judicial institutions more effective and transparent, and urges the authorities to address the questions of the length of pre-trial detention and conditions of detention;

14. *Also welcomes* the work carried out by the independent commission on questions relating to prisoners and urges the Transitional Government to ensure that the recommendations of that Commission are properly followed up;

15. *Further welcomes* the continuing cooperation between the Transitional Government and the International Committee of the Red Cross with regard to access and visits to detainees held in central prisons and other places of detention;

16. *Condemns* all attacks on humanitarian workers and adjures the parties to the conflict to abstain rigorously from any action liable to hamper humanitarian assistance operations, in order to assure the population easy access to such assistance;

17. *Takes note* of the efforts in the struggle against impunity and for the promotion of human rights on the part of the Transitional Government, including the establishment of a government commission on human rights, and encourages the Transitional Government to strengthen its efforts in that area;

18. *Supports* the continuation by the Office of the United Nations High Commissioner for Human Rights of the programme of assistance for members of the armed forces and the police in the field of human rights and legal assistance;

19. *Urges* all parties to the conflict to end the use of children as soldiers, welcomes the commitment made in that regard by the Transitional Government and the signature of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and encourages the Transitional Government to ratify it;

20. *Commends* the parties to the conflict in Burundi which have worked constructively with the international mediators and supports the efforts by the President of Gabon, Mr. Bongo, and the Vice-President of South Africa, Mr. Zuma, which led to an agreement on a ceasefire between the Transitional Government and the armed groups;

21. *Expresses its appreciation* of the efforts by the mediators of the United Nations, the African Union and the European Union in the search for a lasting solution to the problems of Burundi;

22. *Encourages* the African Union in its efforts, particularly through its Mechanism for Conflict Prevention, Management and Resolution, to remain engaged in preventing any further deterioration of the situation;

23. *Reaffirms* that respect for human rights and international humanitarian law as well as development contribute to peace, and therefore calls upon the international community to contribute towards the organization of an international conference on peace, security and stability in the Great Lakes region, as recommended by the Security Council in its resolution 1234 (1999) of 9 April 1999;

24. *Commends* the Office of the High Commissioner for the activities it is conducting in the field, welcomes the cooperation accorded it by the Transitional Government and calls for the strengthening of the office in Burundi through voluntary contributions;

25. *Condemns* the illegal sale and distribution of weapons and related materials, which disturb peace and security in the region;

26. *Requests* States not to allow their territories to be used as bases for incursions or attacks against another State in violation of the principles of international law, including the Charter of the United Nations;

27. *Urges* States and international, governmental and non-governmental organizations to coordinate planning initiatives so as to promote sustainable development with a view to encouraging reconstruction and reconciliation;

28. *Welcomes* the display of solidarity given by the international community at the Donors' Conference held in Paris in December 2000 at the initiative of the former President of South Africa, Mr. Mandela, backed by the President of France, Mr. Chirac, as well as that given at the round-table conferences for Burundi held in Geneva in December 2001 and November 2002;

29. *Urges* donors to continue to deliver on the commitments made at the Donors' Conference and at the Geneva round-table conferences in order to provide an impetus for the new peace process;

30. *Calls upon* the Transitional Government to take action to establish a security environment conducive to the work of aid organizations, and invites the United Nations and donors to augment the flow of humanitarian assistance to those in need;

31. *Decides* to extend the mandate of the Special Rapporteur by one year and to request her to submit an interim report on the human rights situation in Burundi to the General Assembly at its fifty-eighth session and a report to the Commission at its sixtieth session, giving her work a gender-specific dimension;

32. *Recommends* the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 4.]

54th meeting
17 April 2003
[Adopted without a vote. See chap. IX.]

2003/17. Human rights and unilateral coercive measures

The Commission on Human Rights,

Recalling the purposes and the principles of the Charter of the United Nations,

Reaffirming the pertinent principles and provisions contained in the Charter of Economic Rights and Duties of States proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, in particular article 32 which declares that no State may use or encourage the use of economic, political or any type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights,

Recalling its resolution 2002/22 of 22 April 2002, and noting General Assembly resolution 57/222 of 18 December 2002,

Recognizing and reiterating the universal, indivisible, interdependent and interrelated character of all human rights and, in this regard, reaffirming the right to development as an integral part of all human rights,

Expressing its concern about the negative impact of unilateral coercive measures in the field of human rights, development, international relations, trade, investment and cooperation,

Recalling that the World Conference on Human Rights called upon States to refrain from any unilateral measure not in accordance with international law and the Charter of the United Nations that creates obstacles to trade relations among States and impedes the full realization of all human rights, and also severely threatens the freedom of trade,

Regretting that, despite the recommendations adopted on this issue by the General Assembly, the United Nations conferences held in the 1990s and their five-year reviews, and contrary to general international law and the Charter of the United Nations, unilateral coercive measures continue to be promulgated and implemented with all their negative implications for the social-humanitarian activities and economic and social development of developing countries, including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights by peoples and individuals under the jurisdiction of other States,

Reaffirming that unilateral coercive measures are one of the major obstacles to the implementation of the Declaration on the Right to Development,

Recalling article 1, paragraph 2, common to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights which provides, inter alia, that in no case may a people be deprived of its own means of subsistence,

1. *Urges* all States to refrain from adopting or implementing unilateral measures not in accordance with international law, international humanitarian law and the Charter of the United Nations, in particular those of a coercive nature with extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights and other international human rights instruments, in particular the right of individuals and peoples to development;

2. *Calls upon* all Member States neither to recognize these measures nor apply them, as well as to take effective administrative or legislative measures, as appropriate, to counteract the extraterritorial application or effects of unilateral coercive measures;

3. *Condemns* the continued unilateral application by certain powers of such measures as tools of political or economic pressure against any country, particularly against developing countries, with a view to preventing these countries from exercising their right to decide of their own free will, their own political, economic and social systems because of the negative effects of the unilateral coercive measures on the realization of all human rights for vast sectors of their populations, inter alia, children, women, the elderly, and disabled and ill people;

4. *Reiterates its call* upon Member States that have initiated such measures to abide by the principles of international law, the Charter of the United Nations, the declarations of the United Nations and world conferences and relevant resolutions and to commit themselves to their obligations and responsibilities arising from the international human rights instruments to which they are parties by putting an immediate end to such measures;

5. *Reaffirms*, in this context, the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development;

6. *Recalls* that, according to the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, contained in the annex to General Assembly resolution 2625 (XXV) of 24 October 1970, no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind;

7. *Reaffirms* that essential goods such as food and medicines should not be used as tools for political coercion and that under no circumstances should people be deprived of their own means of subsistence and development;

8. *Underlines* that unilateral coercive measures are one of the major obstacles to the implementation of the Declaration on the Right to Development and, in this regard, calls upon all States to avoid the unilateral imposition of economic coercive measures and the extraterritorial application of domestic laws which run counter to the principles of free trade and hamper the development of developing countries, as recognized by the Intergovernmental Group of Experts on the Right to Development in its report (E/CN.4/1998/29);

9. *Rejects* all attempts to introduce unilateral coercive measures, including through the enactment of laws with extraterritorial application which are not in conformity with international law;

10. *Requests once again* the open-ended working group established to monitor and review progress made in the promotion and implementation of the right to development, which will meet after the fifty-ninth session of the Commission on Human Rights, to give due consideration to the question of human rights and the negative impact of unilateral coercive measures;

11. *Invites once again* all special rapporteurs and existing thematic mechanisms of the Commission in the field of economic, social and cultural rights to pay due attention, within the scope of their respective mandates, to the negative impact and consequences of unilateral coercive measures;

12. *Decides* to give due consideration to the negative impact of unilateral coercive measures in its task concerning the implementation of the right to development;

13. *Requests*:

(*a*) The United Nations High Commissioner for Human Rights, in discharging his functions in relation to the promotion, realization and protection of the right to development, to pay due attention and give urgent consideration to the present resolution;

(*b*) The Secretary-General to bring the present resolution to the attention of all Member States and to seek their views and information on the implications and negative effects of unilateral coercive measures on their populations, and to submit a report thereon to the Commission on Human Rights at its sixtieth session;

14. *Decides* to consider this question, on a priority basis, at its sixtieth session under the same agenda item.

55th meeting
22 April 2003
[Adopted by a recorded vote of 36 votes to 14, with 2 abstentions. See chap. X.]

2003/18. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

The Commission on Human Rights,

Guided by the principles relating to economic, social and cultural rights enshrined in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling that in the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), the World Conference encouraged the Commission to continue the examination of optional protocols to the International Covenant on Economic, Social and Cultural Rights,

Recalling also previous resolutions of the Commission on Human Rights and of the Sub-Commission for the Promotion and the Protection of Human Rights on the realization of economic, social and cultural rights, *Taking note with interest* of ongoing new efforts towards the realization of economic, social and cultural rights, and considering that, to ensure the realization of economic, social and cultural rights and the removal of obstacles thereto at all levels, additional efforts should be examined,

1. *Takes note with interest* of the report of the Secretary-General on the implementation of its resolution 2002/24 of 22 April 2002 (E/CN.4/2003/46), the report of the independent expert to examine the question of a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights (E/CN.4/2003/53 and Corr.1 and 2) and the recommendations it contains, as well as all other relevant reports of the United Nations High Commissioner for Human Rights on economic, social and cultural rights and the activities of intergovernmental and non-governmental organizations in that regard;

2. *Recalls* the entry into force of the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, of the 1999 Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labour (No. 182) of the International Labour Organization and of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, and calls upon all States to consider signing and ratifying these instruments and upon the States parties to implement them fully;

3. *Notes with interest*:

(*a*) The work carried out by the Committee on Economic, Social and Cultural Rights to assist States parties in fulfilling their obligations, including through:

(i) The development and adoption of general comments, in order to assist in clarifying the content and scope of the articles of the International Covenant on Economic, Social and Cultural Rights and, in this regard, takes note of the adoption of general comment no. 15 (2002) on the right to water (arts. 11 and 12 of the Covenant);

(ii) The holding of meetings with States parties to the Covenant to discuss the methods of work of the Committee and other issues of common interest and concern;

(iii) The adoption of statements, including that adopted jointly in 2002 with the Special Rapporteur on adequate housing, the Special Rapporteur on the right to education, the Special Rapporteur on the right to food and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, on "The Millennium Development Goals and economic, social and cultural rights";

(iv) The convening of days of general discussion, such as the one on article 3 of the Covenant on the equal right of men and women to the enjoyment of the economic, social and cultural rights set forth in the Covenant, held during the twenty-eighth session of the Committee, in May 2002, and the one on the right to water, held during its twenty ninth session in November 2002;

(v) The Committee's contributions to the World Food Summit: five years later, held in Rome from 10 to 13 June 2002, and to the World Summit on Sustainable Development, held in Johannesburg, South Africa, from 26 August to 4 September 2002;

(*b*) The work of the Committee on the Rights of the Child in the promotion of the economic, social and cultural rights of children;

(*c*) Efforts of the High Commissioner within the United Nations Development Group to promote economic, social and cultural rights;

(*d*) The elaboration of training programmes in the Office of the United Nations High Commissioner for Human Rights to develop in-house expertise in incorporating economic, social and cultural rights in technical cooperation projects, and encouraging the Office to enhance the incorporation of economic, social and cultural rights in its technical cooperation programmes;

(*e*) And welcomes the activities carried out by the Office of the High Commissioner on the promotion of economic, social and cultural rights, which have included awareness raising on the importance of economic, social and cultural rights, contributing to the implementation of internationally agreed development goals, including those contained in the United Nations Millennium Declaration, and several inter-agency activities exploring the legal content and justiciability of these rights;

4. *Welcomes*:

(*a*) Ongoing efforts by the Economic and Social Council and the General Assembly towards a coordinated follow-up to relevant United Nations conferences and summits;

(*b*) Regional initiatives to promote the further realization of economic, social and cultural rights;

(*c*) The inclusion of the issue of the realization of economic, social and cultural rights in the Durban Declaration and Programme of Action adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12), in which States underscored, inter alia, the need to design, promote and implement at the national, regional and international levels strategies, programmes and policies, and adequate legislation, which may include special and positive measures, for furthering equal social development and the realization of the civil and political, economic, social and cultural rights of all victims of racism, racial discrimination, xenophobia and related intolerance;

(*d*) The inclusion of the issue of the realization of economic, social and cultural rights in the document entitled "A world fit for children", adopted by the General Assembly in the annex to its resolution S-27/2 of 10 May 2002, during its twenty-seventh special session, on children, in which participating States agreed to implement the Plan of Action and to that end to consider establishing or strengthening measures such as national legislation, policies and action plans to fulfil and protect rights and to secure the well-being of children, and national bodies or other institutions for the promotion and protection of the rights of the child;

5. *Also welcomes* the activities and efforts of non-governmental organizations in raising awareness, and their important contributions to the question of the realization and enjoyment of economic, social and cultural rights;

6. *Reaffirms*:

(*a*) That, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his or her economic, social and cultural rights, as well as his or her civil and political rights;

(*b*) The inextricable link between full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights and the process of development, the central purpose of which is the realization of the potentialities of the human person with the effective participation of all members of society in relevant decision-making processes as agents and beneficiaries of development, as well as with a fair distribution of its benefits;

(*c*) That all persons in all countries are entitled to the realization of their economic, social and cultural rights, which are indispensable to their dignity and the free development of their personality;

(*d*) The universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and that promoting and protecting one category of rights should therefore never exempt or excuse States from the promotion and protection of other rights;

(*e*) The importance of international cooperation in assisting Governments to fulfil their obligation to protect and promote all human rights, including economic, social and cultural rights, while emphasizing that the first responsibility for promoting and protecting human rights lies with States;

(*f*) That the realization of all human rights and fundamental freedoms, and particularly economic, social and cultural rights, is a dynamic process and that, as is evident in today's world, a great deal remains to be accomplished;

7. *Calls upon* all States:

(*a*) To give full effect to economic, social and cultural rights;

(*b*) To consider signing and ratifying, and the States parties to implement, the International Covenant on Economic, Social and Cultural Rights;

(*c*) To guarantee that economic, social and cultural rights will be exercised without discrimination of any kind;

(*d*) To secure progressively, through national development policies and with international assistance and cooperation, full realization of economic, social and cultural rights, giving particular attention to the individuals, most often women and children, especially girls, and communities living in extreme poverty and therefore most vulnerable and disadvantaged;

(*e*) To consider in this context, as appropriate, the desirability of drawing up national action plans identifying steps to improve the situation of human rights in general with specific benchmarks designed to give effect to minimum essential levels of enjoyment of economic, social and cultural rights;

(*f*) To help alleviate the unsustainable external debt burden of countries that meet the criteria of the Heavily Indebted Poor Countries Initiative, which should further strengthen the efforts of the Governments of these countries to realize economic, social and cultural rights, inter alia through the development and implementation of programmes, as well as the prevention of the spread of the HIV/AIDS pandemic in Africa and the reconstruction of countries affected by natural disasters;

(*g*) To promote the effective and wide participation of representatives of civil society in decision-making processes related to the promotion and protection of economic, social and cultural rights, including through efforts to identify and strengthen good governance practices - transparent, responsible and participatory government which is responsive to the needs and aspirations of all sections of society;

8. *Calls upon* the States parties to the International Covenant on Economic, Social and Cultural Rights:

(*a*) To withdraw reservations incompatible with the object and purpose of the Covenant and to consider reviewing other reservations with a view to withdrawing them;

(*b*) To promote a concerted national effort to ensure the participation of representatives of all sectors of civil society in the process of preparation of their periodic reports to the Committee on Economic, Social and Cultural Rights and in the implementation of the recommendations of the Committee;

(*c*) To submit their reports to the Committee in a regular and timely manner;

(*d*) To ensure that the Covenant is taken into account in all of their relevant national and international policy-making processes;

9. *Recalls* that international cooperation in solving international problems of an economic, social and cultural character and in promoting and encouraging respect for human rights and fundamental freedoms for all is one of the purposes of the United Nations, and affirms that wider international cooperation would contribute to lasting progress in implementing economic, social and cultural rights;

10. *Takes note* of the work of the independent expert on a draft optional protocol, appointed pursuant to Commission resolution 2001/30 of 20 April 2001;

11. *Decides*:

(*a*) To encourage the Committee on Economic, Social and Cultural Rights to continue its efforts towards the promotion, protection and full realization of the rights enshrined in the International Covenant on Economic, Social and Cultural Rights, at the national and international levels, notably by:

(i) Enhancing its cooperation with United Nations specialized agencies, programmes, special mechanisms and the other human rights treaty bodies and other bodies working on issues that bear upon the Covenant;

(ii) Drafting further general comments to assist and promote the further implementation by States parties of the Covenant, and making the experience gained through the examination of States parties' reports available for the benefit of all States parties;

(*b*) To encourage all United Nations specialized agencies and programmes, relevant special mechanisms of the Commission and other United Nations bodies, including human rights treaty bodies, whose activities bear upon economic, social and cultural rights to enhance their cooperation and, as appropriate, increase coordination with the Committee in a manner that respects their distinctive mandates and promotes their policies, programmes and projects;

(*c*) To encourage the High Commissioner to strengthen the research and analytical capacities of his Office in the field of economic, social and cultural rights and to share his expertise, inter alia through the holding of expert meetings;

(*d*) To encourage the High Commissioner to continue to ensure better support for the Committee, in particular under the Programme of Action to strengthen the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1997/22-E/C.12/1996/6, annex VII) adopted by the Committee at its fifteenth session;

(*e*) To encourage the High Commissioner to continue to provide or to facilitate practical support aimed at building capacities for the full realization of economic, social and cultural rights;

(*f*) To support the efforts by the High Commissioner to implement the proposed Programme of Action designed to enhance the ability of the Committee to assist interested Governments in their reporting obligations and its capacity to process and follow up the examination of States parties' reports and, accordingly, to request States parties to the Covenant to make voluntary financial contributions to ensure the adequate implementation of that Programme of Action;

12. *Takes note* of Economic and Social Council decision 2002/254 of 25 July 2002, in which the Council endorsed the decision of the Commission to establish, at its fifty-ninth session, an open-ended working group of the Commission with a view to considering options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights;

13. *Requests* the Working Group to meet for a period of 10 working days, prior to the sixtieth session of the Commission, with a view to considering options regarding the elaboration of an optional protocol to the Covenant, in the light, inter alia, of the report of the Committee on Economic, Social and Cultural Rights to the Commission on a draft optional protocol for the consideration of communications in relation to the Covenant (E/CN.4/1997/105, annex), comments and views submitted by States, intergovernmental organizations, including United Nations specialized agencies, and non-governmental organizations, and the reports of the independent expert (E/CN.4/2002/57 and E/CN.4/2003/53 and Corr.1 and 2);

14. *Requests* the Office of the High Commissioner to make available for the next session of the Working Group the comments and views that States and intergovernmental and non-governmental organizations have made concerning the three questions addressed to the independent expert in resolution 2002/24 of the Commission;

15. *Invites* all Special Rapporteurs whose mandates deal with the realization of economic, social and cultural rights to share their views on an optional protocol to the International Covenant on Economic, Social and Cultural Rights and to make recommendations thereon to the working group at its next session;

16. *Requests* the Working Group to report to the Commission at its sixtieth session and to make specific recommendations on its course of action concerning the question of an optional protocol to the International Covenant on Economic, Social and Cultural Rights at the same session;

17. *Requests* the Secretary-General to submit to the Commission at its sixtieth session a report on the implementation of the present resolution.

55th meeting
22 April 2003
[Adopted without a vote. See chap. X.]

2003/19. The right to education

The Commission on Human Rights,

Recalling its previous resolutions on the right to education, inter alia, resolution 2002/23 of 22 April 2002,

Recalling also that everyone shall enjoy the human right to education, which is enshrined, inter alia, in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Recalling further the Convention against Discrimination in Education adopted on 14 December 1960 by the United Nations Educational, Scientific and Cultural Organization, which prohibits any discrimination which has the purpose or effect of nullifying or impairing equality of treatment in education,

Welcoming the Dakar Framework for Action adopted at the World Education Forum, held in Dakar in April 2000, and the goals agreed upon at its adoption,

Noting the United Nations Millennium Declaration, in which it is resolved that children everywhere, boys and girls alike, will be able to complete a full course of primary schooling and that girls and boys will have equal access to all levels of education by 2015,

Affirming that the realization of the right to education, especially for girls, contributes to the eradication of poverty, *Welcoming* the attention given to education in the Durban Declaration and Programme of Action adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12),

Noting the document entitled "A world fit for children", which the General Assembly adopted in the annex to its resolution S-27/2 of 10 May 2002, at the conclusion of its twenty-seventh special session, on children, and its emphasis on education as a human right and the provision of quality education as a key factor in reducing poverty and child labour and promoting democracy, peace, tolerance and development,

Deeply concerned that some 120 million children, two thirds of whom are girls, have no access to education,

Welcoming the launching of the United Nations Literacy Decade by the General Assembly on 1 January 2003,

Affirming that good governance and the rule of law will assist all States to promote and protect human rights, including the right to education,

1. *Notes with interest* the report of the Special Rapporteur on the right to education (E/CN.4/2003/9 and Add.1 and 2) and the report of the Secretary-General on economic, social and cultural rights (E/CN.4/2003/46);

2. *Also notes with interest* the work carried out by the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child in the promotion of the right to education and their general comments, notably general comment no. 11 (1999) on plans of action for primary education (art. 14 of the International Covenant on Economic, Social and Cultural Rights) and no. 13 (1999) on the right to education (art. 13 of the Covenant), adopted by the Committee on Economic, Social and Cultural Rights, and general comment no. 1 (2001) on the aims of education (art. 29, para. 1, of the Convention on the Rights of the Child), adopted by the Committee on the Rights of the Child;

3. *Welcomes* the holding by the Committee on Economic, Social and Cultural Rights in May 2002, in cooperation with the United Nations Educational, Scientific and Cultural Organization, of a follow-up meeting to the general discussion of the Committee on the right to education held in November 1998, as well as to the World Education Forum, held in Dakar in April 2000;

4. *Also welcomes* the holding by the Committee on the Rights of the Child of a day of general discussion on 28 September 2001 on violence against children within the family and in schools and the Committee's recommendations to address such violence;

5. *Further welcomes* the decision of the Economic and Social Council to approve the establishment of a joint expert group of the United Nations Educational, Scientific and Cultural Organization and the Committee on Economic, Social and Cultural Rights on the monitoring of the right to education;

6. *Urges* all States:

(*a*) To give full effect to the right to education and to guarantee that this right is recognized and exercised without discrimination of any kind;

(*b*) To take all appropriate measures to eliminate obstacles limiting effective access to education, notably by girls, including pregnant girls, children living in rural areas, children belonging to minority groups, indigenous children, migrant children, refugee children, internally displaced children, children affected by armed conflicts, children with disabilities, children affected by infectious diseases, including human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS), sexually exploited children, children deprived of their liberty, children living in the street and orphaned children:

- Taking all necessary legislative measures to prohibit explicitly discrimination in education on the basis of race, colour, descent, national, ethnic or social origin, sex, language, religion, political or other opinion, property, disability, birth or other status which has the purpose or effect of nullifying or impairing equality of treatment in education;

(*c*) To improve all aspects of the quality of education aimed at ensuring excellence of all so that recognized and measurable learning outcomes are achieved by all, especially in literacy, numeracy and essential life skills, and, in this regard, to emphasize the development of quality indicators and monitoring instruments, to promote a sound school environment, school health, preventive education against HIV/AIDS and drug abuse, and science and technology education, and to carry out surveys and build up a knowledge base in order to provide advice on the use of information and communication technologies in education;

(*d*) To promote the renewal and expansion of basic formal education of good quality, which includes both early childhood care and education and primary education, using inclusive and innovative approaches to increase access and attendance for all, for example by providing a minimum monthly income to the families of poor children attending school on a regular basis or free meals for children attending school;

(*e*) To mainstream human rights education in educational activities, in order to strengthen respect for human rights and fundamental freedoms;

(*f*) To enhance the status, morale and professionalism of teachers;

(*g*) To recognize and promote lifelong learning for all, both in formal and in informal settings;

(*h*) To ensure progressively and on the basis of equal opportunity that primary education is compulsory, accessible and available free to all;

(*i*) To adopt all necessary measures to close the gap between the school-leaving age and the minimum age for employment, including by raising the minimum age for employment and/or raising the school-leaving age when necessary, and to ensure access to free basic education and, wherever possible and appropriate, vocational training for all children liberated from the worst forms of child labour;

(*j*) To adopt effective measures to encourage regular attendance at school and reduce school dropout rates;

(*k*) To support domestic literacy programmes, including vocational education components and non-formal education, in order to reach marginalized children, youth and adults, especially girls and women, to ensure that they enjoy the right to education and acquire the life skills necessary to overcome poverty and exclusion;

(*l*) To support the implementation of plans and programmes of action to ensure quality education and improved enrolment and retention rates for boys and girls and the elimination of gender discrimination and gender stereotypes in educational curricula and materials, as well as in the process of education;

(*m*) To take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse in schools, and in this context to take measures to eliminate corporal punishment in schools, and to incorporate in their legislation appropriate sanctions for violations and the provision of redress and rehabilitation for victims;

(*n*) To consider undertaking or supporting studies on best practices for elaborating and implementing strategies for improving the quality of education and meeting the learning needs of all;

(*o*) To give appropriate priority to the collection of quantitative and qualitative data relating to gender disparities in education;

(*p*) To submit information on best practices for the elimination of discrimination in access to education, as well as for the promotion of quality education, to the Special Rapporteur;

7. *Invites* the Special Rapporteur to continue to work in accordance with her mandate and, in particular, to intensify her efforts to identify ways and means to overcome obstacles and difficulties in the realization of the right to education;

8. *Encourages* the Special Rapporteur to pursue her collaboration with the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child and her cooperation with the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, the International Labour Organization and the Office of the United Nations High Commissioner for Refugees, and her dialogue with the World Bank;

9. *Reaffirms* the importance of developing further the regular dialogue between the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, other partners that pursue the goals of the Dakar Framework for Action and the Special Rapporteur, invites them to pursue that dialogue and reiterates its invitation to the United Nations Children's Fund and the United Nations Educational, Scientific and Cultural Organization to submit to the Commission information pertaining to their activities in promoting primary education, with specific reference to women and children, particularly girls;

10. *Requests* all States to continue cooperating with the Special Rapporteur with a view to facilitating her tasks in the discharge of her mandate and to consider favourably her requests for information and visits;

11. *Requests* the Special Rapporteur to report to the Commission at its sixtieth session;

12. *Requests* the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the execution of her mandate;

13. *Decides* to consider the right to education at its sixtieth session under the same agenda item.

55th meeting
22 April 2003
[Adopted without a vote. See chap. X.]

2003/20. Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the Vienna Declaration and Programme of Action (A/CONF.157/23), particularly on the question of the human rights of everyone to life and the enjoyment of the highest attainable standard of physical health,

Recalling its earlier resolutions on the subject, in particular, resolutions 2002/27 of 22 April 2002 and 2001/35 of 23 April 2001, General Assembly resolution 46/126 of 17 December 1991 and Economic and Social Council decision 1995/288 of 25 July 1995,

Recalling also General Assembly resolutions 42/183 of 11 December 1987, 43/212 of 20 December 1988, 44/226 of 22 December 1989 and 45/13 of 7 November 1990,

Recalling further the existing international framework on the movement of toxic and hazardous substances and wastes, in particular the Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and Their Disposal, including its Ban Amendment adopted in 1995, and the regional instruments and arrangements in this regard,

Affirming that the illicit movement and dumping of toxic and dangerous products and wastes constitute a serious threat to the human rights to life and the enjoyment of the highest attainable standard of physical health, particularly of individual developing countries that do not have the technologies to process them,

Reaffirming that the international community must treat all human rights in a fair and equal manner, on the same footing and with the same emphasis, *Reaffirming also* General Assembly resolution 50/174 of 22 December 1995 on strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity,

Mindful of the call by the World Conference on Human Rights on all States to adopt and vigorously implement existing conventions relating to the dumping of toxic and dangerous products and wastes and to cooperate in the prevention of illicit dumping,

Aware of the increasing rate of illicit movement and dumping by transnational corporations and other enterprises from industrialized countries of hazardous and other wastes in developing countries that do not have the national capacity to deal with them in an environmentally sound manner,

Aware also that many developing countries do not have the national capacities and technologies to process such wastes in order to eradicate or diminish their adverse effects on the human rights to life and the enjoyment of the highest attainable standard of physical health,

1. *Takes note* of the report of the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights (E/CN.4/2003/56 and Add.1 and 2);

2. *Appreciates* the efforts made by the Special Rapporteur in carrying out her mandate in the face of very limited financial resources, and expresses its appreciation to the Governments of the United States of America and Canada for the cooperation extended to the Special Rapporteur during her visits to those countries;

3. *Categorically condemns* the illicit dumping of toxic and dangerous products and wastes in developing countries;

4. *Reaffirms* that illicit traffic in and dumping of toxic and dangerous products and wastes constitute a serious threat to the human rights to life and the enjoyment of the highest attainable standard of physical health;

5. *Urges* all Governments to take appropriate legislative and other measures, in line with their international obligations, to prevent the illegal international trafficking in toxic and hazardous products and wastes, the transfer of toxic and hazardous products and wastes through fraudulent waste-recycling programmes, and the transfer of polluting industries, industrial activities and technologies, which generate hazardous wastes, from developed to developing countries;

6. *Invites* the United Nations Environment Programme, the secretariat for the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Commission on Sustainable Development, the International Register of Potentially Toxic Chemicals, the Food and Agriculture Organization of the United Nations, the International Labour Organization, the World Health Organization and regional organizations to continue to intensify their coordination and international cooperation and technical assistance on environmentally sound management of toxic chemicals and hazardous wastes, including the question of their transboundary movement;

7. *Requests* the Governments of developed countries, together with international financial institutions, to provide financial assistance to African countries for the implementation of the Programme of Action adopted at the First Continental Conference for Africa on the Environmentally Sound Management of Unwanted Stocks of Hazardous Wastes and Their Prevention, held in Rabat, from 8 to 12 January 2001;

8. *Welcomes* the ongoing work of the secretariat for the Basel Convention and also welcomes the cooperation between the secretariat and:

(*a*) The International Criminal Police Organization, in the monitoring and prevention of cases of illegal trafficking in toxic and dangerous products and wastes through the exchange of information;

(*b*) The World Customs Organization, in the training of customs officers and the harmonization of classification systems for effective control at customs border posts;

9. *Expresses its appreciation* to the relevant United Nations bodies, in particular the United Nations Environment Programme and the secretariat for the Basel Convention, for the support extended to the Special Rapporteur and urges them and the international community to continue to give her the necessary support to enable her to discharge her mandate;

10. *Urges* the international community and the relevant United Nations bodies, in particular the United Nations Environment Programme and the secretariat for the Basel Convention, to continue to give appropriate support to developing countries, upon their request, in their efforts to implement the provisions of existing international and regional instruments controlling the transboundary movement and dumping of toxic and dangerous products and wastes in order to protect and promote the human rights to life and the enjoyment of the highest attainable standard of physical health of everyone;

11. *Urges* all Governments to ban the export of toxic and dangerous products, substances, chemicals, pesticides and persistent organic pollutants that are banned or severely restricted in their own countries;

12. *Urges* the Special Rapporteur to continue to undertake, in consultation with the relevant United Nations bodies and organizations and the secretariats of relevant international conventions, a global, multidisciplinary and comprehensive study of existing problems of and solutions to illicit traffic in and dumping of toxic and dangerous products and wastes, in particular in developing countries, with a view to making concrete recommendations and proposals on adequate measures to control, reduce and eradicate these phenomena;

13. *Reiterates its request* to the Special Rapporteur to continue to consult all relevant United Nations bodies, organizations and secretariats, in particular the Chemical Division of the United Nations Environment Programme, the Food and Agriculture Organization of the United Nations and the secretariat for the Basel Convention, and to take duly into account the progress made in other forums and to identify loopholes;

14. *Invites* the Special Rapporteur, in accordance with her mandate, to include in her report to the Commission at its sixtieth session comprehensive information on:

(*a*) Persons killed, maimed or otherwise injured in developing countries through the illicit movement and dumping of toxic and dangerous products and wastes;

(*b*) The question of the impunity of the perpetrators of these heinous crimes, including racially motivated discriminatory practices, and to recommend measures to bring them to an end;

(*c*) The question of rehabilitation of and assistance to victims;

(*d*) The scope of national legislation in relation to transboundary movement and dumping of toxic and dangerous products and wastes;

(*e*) The question of fraudulent waste-recycling programmes, the transfer of polluting industries, industrial activities and technologies from the developed to developing countries, ambiguities in international instruments that allow illegal movement and dumping of toxic and dangerous products and wastes, and any gaps in the effectiveness of the international regulatory mechanisms;

15. *Encourages* the Special Rapporteur, in accordance with her mandate and with the support and assistance of the Office of the High Commissioner for Human Rights, to continue to provide Governments with an appropriate opportunity to respond to allegations transmitted to her and reflected in her report, and to have their observations reflected in her report to the Commission;

16. *Reiterates its call* to the Secretary-General to continue to make all necessary resources available for the Special Rapporteur to carry out her mandate successfully and, in particular:

(*a*) To provide her with adequate financial and human resources, including administrative support;

(*b*) To provide her with the necessary specialized expertise to enable her to carry out her mandate fully;

(*c*) To facilitate her consultations with specialized institutions and agencies, in particular with the United Nations Environment Programme and the World Health Organization, with a view to improving the provision by such institutions and agencies of technical assistance to Governments which request it and appropriate assistance to victims;

17. *Decides* to continue consideration of this question at its sixtieth session, under the same agenda item.

56th meeting
22 April 2003
[Adopted by a recorded vote of 38 votes to 13,
with 2 abstentions. See chap. X.]

2003/21. Effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights

The Commission on Human Rights,

Recalling that the purpose of the Universal Declaration of Human Rights is the full promotion and protection of human rights and fundamental freedoms, that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration can be fully realized and that in the United Nations Millennium Declaration all States resolved to respect fully and uphold the Universal Declaration of Human Rights,

Stressing that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character,

Emphasizing that the World Conference on Human Rights agreed to call upon the international community to make all efforts to help alleviate the external debt burden of developing countries in order to supplement the efforts of the Governments of such countries to attain the full realization of economic, social and cultural rights of their people,

Stressing the determination expressed in the Millennium Declaration to deal comprehensively and effectively with the debt problems of low- and middle-income developing countries, through various national and international measures designed to make their debt sustainable in the long term,

Noting with great concern that the continuing debt and debt-servicing problems of the heavily indebted poor countries constitute an element that adversely affects their sustainable development efforts,

Acknowledging that there is greater acceptance that the increasing debt burden faced by the most indebted developing countries, in particular the least developed countries, is unsustainable and constitutes one of the principal obstacles to achieving progress in people-centred sustainable development and poverty eradication and that for many developing countries, as well as countries with economies in transition, excessive debt servicing has severely constrained their capacity to promote social development and provide basic services to realize economic, social and cultural rights,

Aware that the serious problem of the foreign debt burden remains one of the most critical factors adversely affecting economic, social, scientific and technical development and living standards in many developing countries, with serious effects of a social nature,

Expressing its concern that, despite repeated rescheduling of debt, developing countries continue to pay out more each year than the actual amount they receive in official development assistance,

1. *Takes note* of the report of the independent expert on the effects of structural adjustment policies and foreign debt on the full enjoyment of human rights, particularly economic, social and cultural rights (E/CN.4/2003/10 and Corr.1) and stresses that structural

adjustment reform programmes have serious implications for the ability of the developing countries to abide by the Declaration on the Right to Development and to formulate national development policies that aim to improve the economic, social and cultural rights of their citizens;

2. *Is fully aware* that the structural adjustment reform programmes give inadequate attention to the provision of social services and that only a few countries manage to achieve sustainable higher growth under these programmes;

3. *Acknowledges* that debt indicators for the developing countries showed a slight improvement in 2001 compared to 2000, but is concerned because many countries, particularly in sub-Saharan Africa, still carry very high external debt burdens relative to their gross national product;

4. *Also acknowledges* that a number of creditor countries are offering debt relief on a bilateral basis in addition to the debt relief extended in the framework of the Paris Club and have continued to write off official debt of several low-income countries, partly on a scale beyond the commitments made within the framework of the Heavily Indebted Poor Countries Initiative, although much progress remains to be made towards the achievement of a lasting solution to the debt problems of developing countries, in particular the least developed countries, and that in several low- and middle-income countries unsustainable levels of external debt continue to create a considerable barrier to economic and social development and increase the risk that the Millennium Goals regarding development and poverty reduction will not be attained;

5. *Recognizes* that debt relief can play a key role in liberating resources that should be directed towards activities consistent with attaining sustainable growth and development, including poverty reduction and the achievement of the development goals set out in the Millennium Declaration, and therefore debt relief measures should, where appropriate, be pursued vigorously and expeditiously;

6. *Recalls* the call on industrialized countries, as expressed in the Millennium Declaration, to implement the enhanced programme of debt relief for the heavily indebted poor countries without further delay and to agree to cancel all official bilateral debts of those countries in return for their making demonstrable commitments to poverty reduction;

7. *Calls upon* the international community, including the United Nations system, and invites the Bretton Wood institutions, as well as the private sector, to take appropriate measures and actions for the implementation of the commitments, agreements and decisions of the major United Nations conferences and summits, including the World Conference on Human Rights and the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, in particular those relating to the question of the external debt problem of developing countries, and in this regard stresses the need:

(*a*) To implement speedily, effectively and fully the enhanced Heavily Indebted Poor Countries Initiative, which should be fully financed through additional resources, taking into consideration, as appropriate, measures to address any fundamental changes in the economic circumstances of those developing countries that have an unsustainable debt burden caused by natural catastrophes, severe terms-of-trade shocks or conflict, taking into account initiatives which have been undertaken to reduce outstanding indebtedness;

(*b*) To encourage exploring innovative mechanisms to comprehensively address the debt problems of developing countries, in particular of the least developed countries and including middle-income countries and countries with economies in transition;

8. *Recalls* the pledge, contained in the Political Declaration contained in the annex to resolution S-24/2, adopted on 1 July 2000 by the General Assembly at its twenty-fourth special session, to find effective, equitable, development-oriented and durable solutions to the external debt and debt-servicing burdens of developing countries;

9. *Welcomes* the conclusion of the statement on poverty and the International Covenant on Economic, Social and Cultural Rights, adopted by the Committee on Economic, Social and Cultural Rights on 4 May 2001, that some of the structural obstacles confronting developing States' anti-poverty strategies lie beyond their control in the contemporary international order and that it is imperative that measures be taken urgently to remove these global structural obstacles, such as unsustainable foreign debt, the widening gap between rich and poor, and the absence of an equitable multilateral trade, investment and financial system; otherwise, the national anti-poverty strategies of some States have limited chance of sustainable success;

10. *Stresses* the need for the economic programmes arising from foreign debt to be country-driven and for their macroeconomic and financial policy issues to be integrated, on an equal footing and in a consistent way, with the realization of the broader social development goals, taking into account the specific characteristics, conditions and needs of the debtor countries;

11. *Affirms* that the exercise of the basic rights of the people of debtor countries to food, housing, clothing, employment, education, health services and a healthy environment cannot be subordinated to the implementation of structural adjustment policies, growth programmes and economic reforms arising from the debt;

12. *Decides* to renew the mandate of the independent expert for three years and requests him to submit an analytical report to the Commission, on an annual basis, on the implementation of the present resolution, paying particular attention to the effects of the burden of foreign debt and the policies adopted to face them on the capacity of the Governments of developing countries to adopt policies and programmes for the enjoyment of economic, social and cultural rights, as well as to recommend measures and actions that could be taken to alleviate such effects, especially in the poorest and heavily indebted countries;

13. *Requests* the Secretary-General to provide the independent expert with all necessary assistance, in particular the staff and resources required to carry out his functions;

14. *Urges* Governments, international organizations, international financial institutions, non-governmental organizations and the private sector to cooperate fully with the independent expert in the discharge of his mandate;

15. *Also urges* States, international financial institutions and the private sector to take urgent measures to alleviate the debt problem of those developing countries particularly affected by the human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS), so that more financial resources can be released and used for health care, research and treatment of the population in the affected countries;

16. *Stresses*, in the consideration of any new debt resolution mechanism, the importance of broad discussion in the appropriate forums, with the participation of all interested actors;

17. *Reiterates its view* that, in order to find a durable solution to the debt problem, there is a need for a political dialogue between creditor and debtor countries and the multilateral financial institutions, within the United Nations system, based on the principle of shared interests and responsibilities;

18. *Reiterates its request* to the United Nations High Commissioner for Human Rights to pay particular attention to the problem of the debt burden of developing countries, in particular of the least developed countries, and especially the social impact of the measures arising from the foreign debt;

19. *Decides* to continue the consideration of this matter at its sixtieth session under the same agenda item;

20. *Recommends* the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 6.]

56th meeting
22 April 2003
[Adopted by a recorded vote of 29 votes to 14,
with 10 abstentions. See chap. X.]

2003/22. Women's equal ownership, access to and control over land and the equal rights to own property and to adequate housing

The Commission on Human Rights,

Guided by the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Elimination of All Forms of Racial Discrimination,

Recalling the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), the Beijing Declaration and Platform for Action adopted in September 1995 by the Fourth World Conference on Women (A/CONF.177/20/Rev.1, chap. I), the Copenhagen Declaration on Social Development and the

Programme of Action of the World Summit for Social Development held in March 1995 (A/CONF.166/9, chap. I, resolution 1), the Habitat Agenda adopted in June 1996 by the United Nations Conference on Human Settlements (Habitat II) (A/CONF.165/14, chap. I, resolution 1, annex II), the report of the Ad Hoc Committee of the Whole of the twenty-third special session of the General Assembly (A/S-23/10/Rev.1), the report of the Ad Hoc Committee of the Whole of the twenty-fourth special session of the Assembly (A/S-24/8/Rev.1), the report of the Ad Hoc Committee of the Whole of the twenty-fifth special session of the General Assembly (A/S-25/7/Rev.1), and the report of the World Summit on Sustainable Development (A/CONF.199/20 and Corr.1),

Reaffirming the human right to be free from discrimination, and the equal right of women and men to the enjoyment of all civil, cultural, economic, political and social rights,

Reaffirming also that all human rights are universal, indivisible, interdependent and interrelated and that women's equal ownership, access to and control over land and the equal rights to own property and to adequate housing contribute to the full realization of human rights,

Recognizing that women can face multiple forms of discrimination,

Recalling its resolutions 2000/13 of 17 April 2000 and 2001/34 of 23 April 2001, Commission on the Status of Women resolution 42/1 of 13 March 1998 and the resolutions of the Sub-Commission on the Promotion and Protection of Human Rights on the matter,

Welcoming the findings of the Special Rapporteur on violence against women, its causes and consequences, contained in her report entitled "Economic and social policy and its impact on violence against women" (E/CN.4/2000/68/Add.5) submitted to the Commission at its fifty-sixth session, that women's poverty, together with a lack of alternative housing options, make it difficult for women to leave violent family situations, and reaffirming that forced relocation and forced eviction from home and land have a disproportionately severe impact on women, including when these are committed by spouses or in-laws, and encouraging the Special Rapporteur to continue to take these findings into consideration in her future work,

Recognizing that laws, policies, customs and traditions that restrict women's equal access to credit and loans also prevent women from owning and inheriting land, property and housing and exclude women from participating fully in development processes, are discriminatory and may contribute to the feminization of poverty,

Stressing that the impact of gender-based discrimination and violence against women on women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing is acute, particularly during complex emergency situations, reconstruction and rehabilitation,

Recognizing that the full and equal participation of women in all spheres of life is essential for the full and complete development of a country,

Acknowledging that women continue to suffer from discriminatory treatment in all areas decisive to the attainment of adequate housing, *Convinced* that international, regional and local trade, finance and investment policies should be designed in such a way that they do not increase gender inequality in terms of ownership of, access to and control over land and the rights to own property and to adequate housing and other productive resources and do not undermine women's capacity to acquire and retain these resources,

Mindful of the fact that elimination of discrimination against women requires consideration of women's specific socio-economic context,

1. *Takes note with interest* of the preliminary findings of the study on women and adequate housing submitted by the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living in accordance with Commission on Human Rights resolution 2002/49 (E/CN.4/2003/55);

2. *Reaffirms* women's right to an adequate standard of living, including adequate housing, as enshrined in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, and urges Governments to comply fully with their international and regional obligations and commitments concerning land tenure and the equal rights of women to own property and to an adequate standard of living, including adequate housing;

3. *Affirms* that discrimination in law against women with respect to having access to, acquiring and securing land, property and housing, as well as financing for land, property and housing, constitutes a violation of women's human right to protection against discrimination;

4. *Reaffirms* Commission on the Status of Women resolution 42/1, which, inter alia, urges States to design and revise laws to ensure that women are accorded full and equal rights to own land and other property, and the right to adequate housing, including through the right to inheritance, and to undertake administrative reforms and other necessary measures to give women the same right as men to credit, capital, appropriate technologies, access to markets and information;

5. *Encourages* Governments to support the transformation of customs and traditions that discriminate against women and deny women security of tenure and equal ownership of, access to and control over land and equal rights to own property and to adequate housing, to ensure the right of women to equal treatment in land and agrarian reform as well as in land resettlement schemes and in ownership of property and in adequate housing, and to take other measures to increase access to land and housing for women living in poverty, particularly female heads of household;

6. *Reaffirms* the obligation of States to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise and recommends that Governments encourage financial lending institutions to ensure that their policies and practices do not discriminate against women;

7. *Urges* Governments to address the issue of forced relocation and forced evictions from home and land, and to eliminate its disproportionate impact on women;

8. *Recommends* that international financial institutions, regional, national and local housing financing institutions and other credit facilities promote the participation of women and take into account their views in order to remove discriminatory policies and practices, giving special consideration to single women and households headed by women, and that these institutions evaluate and measure progress to this end;

9. *Encourages* Governments, specialized agencies, funds, programmes and other organizations of the United Nations system, as well as other international organizations and non-governmental organizations, to provide judges, lawyers, political and other public officials, community leaders and other concerned persons, as appropriate, with information and human rights education concerning women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing;

10. *Invites* the Secretary-General to encourage all organizations and bodies of the United Nations system, individually and collectively, in particular the United Nations Development Programme, the United Nations Human Settlements Programme (UN-Habitat) and the United Nations Development Fund for Women, to undertake further initiatives that promote women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing, and to allocate further resources for studying and documenting the impact of complex emergency situations, particularly with respect to women's equal rights to own land, property and adequate housing;

11. *Invites* the Office of the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees and other relevant international organizations, within their respective mandates, to address discrimination against women with respect to land, property and adequate housing in their cooperation programmes and field activities;

12. *Encourages* all the human rights treaty bodies, in particular the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination against Women, special procedures and other human rights mechanisms of the Commission and the Sub-Commission on the Promotion and Protection of Human Rights regularly and systematically to take a gender perspective into account in the implementation of their mandates and to integrate the content of the present resolution into their work, as appropriate;

13. *Encourages* the United Nations Housing Rights Programme to take into account the content of the present resolution and to continue its regional consultations, with the participation of representatives of Governments, United Nations agencies, intergovernmental organizations, and non-governmental organizations;

14. *Requests* the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, within his mandate, to submit a report to the Commission at its sixty-first session containing the study on women and adequate housing;

15. *Invites* all States to respond to the questionnaire prepared by the Special Rapporteur, as soon as possible;

16. *Decides* to consider the issue of women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing at its sixty-first session under the agenda item entitled "Economic, social and cultural rights".

56th meeting
22 April 2003
[Adopted without a vote. See chap. X.]

2003/23. Globalization and its impact on the full enjoyment of human rights

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, and expressing in particular the need to achieve international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction,

Reaffirming its resolutions 2002/28 of 22 April 2002, 2001/32 of 23 April 2001 and 1999/59 of 28 April 1999 and General Assembly resolutions 57/205 of 18 December 2002, 56/165 of 19 December 2001 and 55/102 of 4 December 2000,

Affirming that, while globalization offers great opportunities, at present its benefits are very unevenly shared and costs are unevenly distributed, and that developing countries face special difficulties in meeting this challenge,

Underlining that the deep fault line between the rich and the poor that divides human society and the ever-increasing gap between the developed and the developing countries pose a major threat to global prosperity, security and stability,

Reaffirming the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Recognizing that globalization should be guided by the fundamental principles that underpin the corpus of human rights, such as equality, participation, accountability, non-discrimination, at both the national and international levels, respect for diversity and international cooperation and solidarity,

Affirming in this regard that multilateral institutions have a unique role to play in meeting the challenges and opportunities presented by globalization,

Expressing concern that the development dimensions of the Ministerial Declaration adopted by the Fourth Ministerial Conference of the World Trade Organization, held in Doha in November 2001 (A/C.2/56/7, annex), are not being given the priority they require in the subsequent trade negotiations and underlining the need for a development dimension in the international trade rules that promote the realization of the right to development, *Taking note* of the Monterrey Consensus (A/CONF.198/11, chap. I) adopted by the International Conference on Financing for Development, held in March 2002, and the Johannesburg Declaration on Sustainable Development (A/CONF.199/20 and Corr. 1, chap. I, resolution 1, annex),

Taking note also of the work under way at the World Commission on Social Dimensions of Globalization established by the International Labour Organization in February 2002,

Taking note with appreciation of the results of the Workshop on the impact of globalization on the full enjoyment of economic, social and cultural rights and the right to development organized by the Office of the United Nations High Commissioner for Human Rights within the framework of its technical cooperation programme in the Asian and Pacific region, held in May 2001 in Kuala Lumpur,

Underlining the focus on globalization in the future work of the Sub-Commission on the Promotion and Protection of Human Rights as reflected in the report of the Chairperson of the Sub-Commission at its fifty-fourth session (E/CN.4/2003/94) and requesting the Sub-Commission to further intensify its work in this area,

Deeply concerned at the widening gap between the developed and the developing countries, which adversely affects the full enjoyment of human rights, particularly in the developing countries,

1. *Recognizes* that, while globalization, by its impact on, inter alia, the role of the State, may affect human rights, the promotion and protection of all human rights is first and foremost the responsibility of the State;

2. *Reaffirms* that, in addition to States' separate responsibilities to their individual societies, they have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level;

3. *Also reaffirms* the commitment to create an environment at both the national and international levels that is conducive to development and to the elimination of poverty through, inter alia, good governance within each country and at the international level, transparency in the financial, monetary and trading systems and the commitment to an open, equitable, rule-based, predictable and non-discriminatory multilateral trading and financial system;

4. *Further reaffirms* that the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political developments in which all human rights and fundamental freedoms can be fully realized;

5. *Requests* the United Nations High Commissioner for Human Rights to bring to the attention of the World Trade Organization and the World Commission on Social Dimensions of Globalization the report of the High Commissioner entitled "Globalization and its impact on the full enjoyment of human rights" (E/CN.4/2002/54), which focuses on the liberalization of agricultural trade and its impact on the realization of the right to development, including the right to food;

6. *Takes note* of the note by the secretariat (E/CN.4/2003/50) wherein the High Commissioner has requested further time to conclude the analytical study on the fundamental principle of non-discrimination in the context of globalization as contained in paragraph 7 of Commission resolution 2002/28 and noting that the study will be presented to the Commission at its sixtieth session;

7. *Requests* the High Commissioner, in the above context, to focus particularly on the need for clarification of the human rights principle of non-discrimination as it relates to the trade rules of the World Trade Organization, especially in the context of the World Trade Organization Agreement on Agriculture, as proposed by the High Commissioner in paragraph 54 of his report;

8. *Underlines* that, in the absence of a framework based on the fundamental principles which underpin the corpus of human rights, such as equality, participation, accountability, non-discrimination, respect for diversity and international cooperation and solidarity, globalization will continue on its inherently asymmetrical course;

9. *Underlines once again* the need for the treaty bodies, special rapporteurs/representatives, independent experts and working groups of the Commission, within their mandates and where appropriate, to take into consideration the content of the present resolution and the report of the High Commissioner entitled "Globalization and its impact on the full enjoyment of human rights";

10. *Decides* to consider this issue again at its sixtieth session.

55th meeting
22 April 2003
[Adopted by a recorded vote of 38 votes to 15.
See chap. X.]

2003/24. Human rights and extreme poverty

The Commission on Human Rights,

Recalling that, in accordance with the Universal Declaration of Human Rights, the International Covenants on Human Rights recognize that the ideal of free human beings enjoying freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his or her economic, social and cultural rights, as well as his or her civil and political rights,

Recalling in particular that article 25 of the Universal Declaration of Human Rights stipulates that everyone has the right to a standard of living adequate for the health and well-being of himself and of his or her family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his/her control, *Recalling also* that the eradication of widespread poverty, including its most persistent forms, and the full enjoyment of economic, social and cultural rights and civil and political rights remain interrelated goals,

Reaffirming that the promotion of all human rights, including the right to development, and the elimination of extreme poverty can contribute substantially to the promotion and consolidation of democracy,

Deeply concerned that extreme poverty continues to spread in all countries of the world, regardless of their economic, social and cultural situation, and that its extent and manifestations, such as hunger, disease, lack of adequate shelter, illiteracy and hopelessness, are particularly severe in developing countries, though acknowledging the significant progress made in several parts of the world in combating extreme poverty,

Bearing in mind the relevant provisions of the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted in June 1993 by the World Conference on Human Rights,

Recalling in particular that the World Conference reaffirmed that least developed countries committed to the process of democratization and economic reforms, many of which are in Africa, should be supported by the international community in order to succeed in their transition to democracy and economic development,

Bearing in mind the commitments reaffirmed in the United Nations Millennium Declaration, particularly to spare no effort to fight against extreme poverty, including the commitment to halve by 2015 the proportion of the world's people whose income is less than one United States dollar a day and the proportion of people who suffer from hunger,

Welcoming the new impetus given at the World Summit on Sustainable Development, held in Johannesburg, South Africa, from 26 August to 4 September 2002, to global action against extreme poverty and to advancing and strengthening the interdependent and mutually reinforcing pillars of sustainable development - economic development, social development and environmental protection - at the local, regional and global levels,

Recalling General Assembly resolution 50/107 of 20 December 1995, in which the Assembly proclaimed the first United Nations Decade for the Eradication of Poverty (1997-2006), and the report of the Secretary-General on the implementation of the Decade (A/55/407),

Bearing in mind the resolutions of the General Assembly on human rights and extreme poverty, in particular resolution 57/211 of 18 December 2002, and the importance they attach to giving men and women living in extreme poverty the wherewithal to organize and participate in all aspects of political, economic and social life,

Stressing that, in the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development held in March 1995 (A/CONF.166/9, chap. I, resolution 1), Governments committed themselves to endeavouring to ensure that all men and women, especially those living in poverty, could exercise the rights, utilize the resources and share the responsibilities that would enable them to lead satisfying lives and to contribute to the well-being of their families, their communities and humankind and committed themselves to the goal of eradicating poverty throughout the world through national actions and international cooperation, as an ethical social, political and economic imperative of humankind,

Recalling the report of the Secretary-General on women's real enjoyment of their human rights, in particular those relating to the elimination of poverty, economic development and economic resources (E/CN.4/1998/22-E/CN.6/1998/11),

Recalling also its resolution 2002/49 of 23 April 2002 on women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing, which recognizes that restrictions on women's equal access to credit and loans and factors preventing them from owning and inheriting land may contribute to the feminization of poverty,

Recalling further the Declaration of the Microcredit Summit, held in Washington, D.C., in February 1997, which launched a global campaign to reach 100 million of the world's poorest families, especially women, with credit for self-employment by the year 2005,

Welcoming the statement on poverty and the International Covenant on Economic, Social and Cultural Rights adopted by the Committee on Economic, Social and Cultural Rights in May 2001, aimed at encouraging the integration of human rights into poverty eradication policies by outlining how human rights generally, and the International Covenant in particular, can empower the poor and enhance anti-poverty strategies,

Noting with interest also the report submitted by the independent expert on the question of human rights and extreme poverty pursuant to Commission resolution 2002/30 of 22 April 2002 (E/CN.4/2003/52 and Add.1) and the recommendations the expert makes, inter alia on establishing civil registry services where necessary to provide better safeguards for the legal rights of those living in extreme poverty, including their right to be recognized as persons before the law, to own property and to inherit, and on giving them better access to the justice system,

Noting that the ad hoc working group established to prepare a study to contribute to the drafting of an international declaration on extreme poverty and human rights, which was established pursuant to resolution 2001/8 of the Sub-Commission on the Protection and Promotion of Human Rights of 15 August 2001, has produced a programme of work (E/CN.4/Sub.2/2002/15),

1. *Reaffirms* that:

(*a*) Extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them;

(*b*) The right to life includes, within it, existence in human dignity with the minimum necessities of life;

(*c*) The existence of widespread absolute poverty inhibits the full and effective enjoyment of human rights and makes democracy and popular participation fragile;

(*d*) Concerted efforts to strengthen and consolidate national democratic institutions and governance are required in order to address the most pressing social needs of people living in poverty and to promote respect for human rights and fundamental freedoms;

(*e*) For peace and stability to prevail, national action and international action and cooperation are required for the promotion of a better life for all in larger freedom, a critical element of which is the eradication of poverty;

(*f*) Political commitment, social justice and equal access to social services are conditions sine qua non for the eradication of poverty, and welcomes in this connection the fact that States and international organizations have never been so aware of the urgency of winning the battle against extreme poverty;

(*g*) It is essential for States to foster participation by the poorest people in the decision-making process in the societies in which they live and in the realization of human rights, and for people living in poverty and vulnerable groups to be empowered to help plan, implement and evaluate policies that affect them, thus enabling them to become genuine partners in development;

(*h*) Special attention must be given to the plight of women, particularly older women and women alone at home, and children, who often bear the greatest burden of extreme poverty;

2. *Recalls* that:

(*a*) The Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development, reaffirmed during the twenty-fourth special session of the General Assembly on the follow-up to the World Summit, held in Geneva in June 2000, provide the substantive framework for eradicating poverty by setting specific targets, drawing up plans and implementing programmes;

(*b*) To ensure the protection of the rights of all individuals, non-discrimination towards the poorest and the full exercise of all human rights and fundamental freedoms, a better understanding is needed of what is endured by people living in poverty, including women and children, and that thought must be given to the subject, drawing on the experience and ideas communicated by the poorest themselves and by those committed to working alongside them;

(*c*) In its resolution 1997/11 of 3 April 1997, it requested the United Nations High Commissioner for Human Rights to give high priority to the question of human rights and extreme poverty, to ensure better cooperation between the institutions and bodies involved, regularly to inform the General Assembly of the evolution of the question and to submit specific information on this question at events such as the evaluation, at the halfway point in 2002 and the end-point in 2007, of the first United Nations Decade for the Eradication of Poverty;

(*d*) In her report to the General Assembly of 11 September 1998 on the midterm evaluation of the Vienna Declaration and Programme of Action (A/53/372, annex), the High Commissioner proposed that the Second and Third Committees of the General Assembly should work jointly to implement the right to development by focusing on the elimination of poverty, with particular emphasis placed on basic security, which is necessary to enable individuals and families to enjoy fundamental rights and assume basic responsibilities;

3. *Recognizes* the efforts of developing countries, in particular the commitment and determination of the African leaders, to seriously address the challenges of poverty, underdevelopment, marginalization, social exclusion, economic disparities, instability and insecurity, through initiatives such as the New Partnership for Africa's Development and other innovative mechanisms such as the World Solidarity Fund for the Eradication of Poverty, and calls upon developed countries, the United Nations and its specialized agencies, as well as the international financial institutions, to provide, through their operational programmes, new and additional financial resources, as appropriate, to support these initiatives;

4. *Welcomes* the increasing number of events associated with the celebration, on 17 October of each year, of the International Day for the Eradication of Poverty and the opportunity which these events provide to people and populations living in extreme poverty to make their voices heard;

5. *Expresses its appreciation*:

(*a*) That an integrated approach is being followed by the United Nations system in addressing the question of extreme poverty, particularly through the adoption and the implementation of the United Nations action strategy for halving extreme poverty by 2015;

(*b*) That the international financial institutions have developed new policies strengthening the human and social dimension of their action, and encourages them to continue to do so;

(*c*) For the initiatives taken in many countries by national education authorities to raise awareness among all children and young people of the existence of extreme poverty and the urgent need for united action to enable the poorest people to regain their rights;

(*d*) For the priority that the independent expert continues to give to enabling men and women living in extreme poverty to express themselves, and the emphasis in her report on the need for States to take account of their demands in shaping State policies;

(*e*) For the many responses from Governments to the questionnaires sent out by the independent expert to gather views and experiences in the field of human rights and the eradication of extreme poverty;

6. *Calls upon*:

(*a*) The General Assembly, specialized agencies, United Nations bodies and intergovernmental organizations to take into account the contradiction between the existence of situations of extreme poverty and exclusion from society, which must be overcome, and the duty to guarantee full enjoyment of human rights;

(*b*) States and intergovernmental and non-governmental organizations to continue to take into account, in the activities to be undertaken within the framework of the United Nations Decade for the Eradication of Poverty, the links between human rights and extreme poverty, as well as efforts to empower people living in poverty to participate in decision-making processes on policies that affect them;

(*c*) The United Nations to strengthen poverty eradication as a priority throughout the United Nations system;

7. *Urges* States and encourages the private sector and international financial and development institutions, such as the World Bank and regional development banks, to promote participation of individuals and groups of individuals who are victims of racism, racial discrimination, xenophobia and related intolerance in economic, cultural and social decision-making at all stages, particularly in the development and implementation of poverty-alleviation strategies, development projects, and trade and market assistance programmes;

8. *Invites* the treaty bodies monitoring the application of human rights instruments, especially the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child, the Committee on the Elimination of Discrimination against Women and the Committee on the Elimination of Racial Discrimination, to take into account, when considering the reports of States parties, the question of extreme poverty and human rights;

9. *Encourages* the ad hoc working group established to prepare a study to contribute to the drafting of an international declaration on extreme poverty and human rights to adopt an approach to human rights and extreme poverty based on the universality, indivisibility, interdependence and interrelation of all human rights, and recalls that freedom from want and fear can only be achieved if conditions are created whereby everyone may enjoy his or her economic, social and cultural rights, as well as his or her civil and political rights;

10. *Decides* to consider this question at its sixtieth session under the same agenda item.

56th meeting
22 April 2003
[Adopted without a vote. See chap. X.]

2003/25. The right to food

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, which provides that everyone has the right to a standard of living adequate for her or his health and well-being, including food,

Recalling also the provisions of the International Covenant on Economic, Social and Cultural Rights in which the fundamental right of every person to be free from hunger is recognized,

Recalling further the Universal Declaration on the Eradication of Hunger and Malnutrition as well as the United Nations Millennium Declaration,

Bearing in mind the Rome Declaration on World Food Security and the Plan of Action of the World Food Summit, held in Rome from 13 to 17 November 1996, *Bearing in mind also* the Declaration of the World Food Summit: five years later - International Alliance against Hunger, held in Rome from 10 to 13 June 2002,

Recalling all its previous resolutions in this regard, in particular resolution 2002/25 of 22 April 2002, and taking note of General Assembly resolution 57/226 of 18 December 2002,

Reaffirming that all human rights are universal, indivisible and interdependent and interrelated,

Recognizing that the problem of hunger and food insecurity has global dimensions and that they are likely to persist and even to increase dramatically in some regions unless urgent, determined and concerted action is taken, given the anticipated increase in the world's population and the strain on natural resources,

Reaffirming that a peaceful, stable and enabling political, social and economic environment, both at a national and an international level, is the essential foundation which will enable States to give adequate priority to food security and poverty eradication,

Reiterating, as did the Rome Declaration as well as the Declaration of the World Food Summit: five years later, that food should not be used as an instrument of political or economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity, as well as the necessity of refraining from unilateral measures not in accordance with international law and the Charter of the United Nations which endanger food security,

Convinced that each State must adopt a strategy consistent with its resources and capacities to achieve its individual goals in implementing the recommendations contained in the Rome Declaration and Plan of Action of the World Summit and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food security in a world of increasingly interlinked institutions, societies and economies, where coordinated efforts and shared responsibilities are essential,

Stressing the importance of reversing the continuing decline of official development assistance devoted to agriculture, both in real terms and as a share of total official development assistance,

1. *Reaffirms* that hunger constitutes an outrage and a violation of human dignity and, therefore, requires the adoption of urgent measures at the national, regional and international levels for its elimination;

2. *Also reaffirms* the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger so as to be able fully to develop and maintain their physical and mental capacities;

3. *Considers* it intolerable that there are around 840 million undernourished people in the world and that every seven seconds a child under the age of 10 dies, directly or indirectly, of hunger somewhere in the world;

4. *Stresses* the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources from all sources, including external debt relief for developing countries, to reinforce national actions to implement sustainable food security policies;

5. *Invites once again* all international financial and developmental institutions, as well as the relevant United Nations agencies and funds, to give priority to and provide necessary funding to realize the aim to halve by the year 2015 the proportion of people who suffer from hunger, as well as the right to food;

6. *Encourages* all States to take steps with a view to achieving progressively the full realization of the right to food, including steps to promote the conditions for everyone to be free from hunger and as soon as possible enjoy fully the right to food, as well as to elaborate and adopt national plans to combat hunger;

7. *Takes note with interest* of the report of the Special Rapporteur on the right to food (E/CN.4/2003/54) and commends the Special Rapporteur for his valuable work in the promotion of the right to food;

8. *Decides* to extend the mandate of the Special Rapporteur for a further three years;

9. *Expresses its appreciation* to the Special Rapporteur for his effective contribution to the medium-term review of the implementation of the Rome Declaration on World Food Security and the Plan of Action of the World Food Summit, through the submission to the United Nations High Commissioner for Human Rights of his recommendations on all aspects of the right to food, and his participation in and contribution to the proceedings of that event;

10. *Encourages* the Special Rapporteur to continue mainstreaming a gender perspective in the fulfilment of his mandate;

11. *Requests* the High Commissioner to provide all necessary human and financial resources for the effective fulfilment of the mandate of the Special Rapporteur;

12. *Welcomes* the work already done by the Committee on Economic, Social and Cultural Rights in promoting the right to adequate food, in particular its general comment no. 12 (1999) on the right to adequate food (art. 11 of the International Covenant on Economic, Social and Cultural Rights), in which the Committee affirmed, inter alia, that the right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other human rights enshrined in the International Bill of Human Rights and is also inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies, at both the national and international levels, oriented to the eradication of poverty and the fulfilment of all human rights for all;

13. *Takes note* of general comment no. 15 (2002) on the right to water (arts. 11 and 12 of the Covenant) adopted by the Committee on Economic, Social and Cultural Rights, in which the Committee notes, inter alia, the importance of ensuring sustainable water resources for agriculture in the realization of the right to adequate food;

14. *Welcomes* the continued cooperation of the High Commissioner, the Committee on Economic, Social and Cultural Rights and the Special Rapporteur to the work of the Intergovernmental Working Group mandated by the Council of the Food and Agricultural Organization of the United Nations, to elaborate, in a period of two years, a set of voluntary guidelines to support Member States efforts to achieve the progressive realization of the right to adequate food in the context of national food security, and encourages them to continue their cooperation in this regard;

15. *Requests* the Special Rapporteur to submit a report to the General Assembly at its fifty-eighth session and to report to the Commission at its sixtieth session on the implementation of the present resolution;

16. *Invites* Governments, relevant United Nations agencies, funds and programmes, treaty bodies, as well as non-governmental organizations to cooperate fully with the Special Rapporteur in the fulfilment of his mandate, inter alia through the submission of comments and suggestions on ways and means of realizing the right to food;

17. *Recommends* the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 7.]

56th meeting
22 April 2003
[Adopted by a recorded vote of 51 votes to 1,
with 1 abstention. See chap. X.]

2003/26. Promotion of the enjoyment of the cultural rights of everyone and respect for different cultural identities

The Commission on Human Rights,

Recalling the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, as well as other pertinent human rights instruments,

Recalling also its resolution 2002/26 of 22 April 2002,

Noting that numerous declarations within the United Nations system promote respect for cultural diversity, as well as for international cultural cooperation, in particular the Declaration of the Principles of International Cultural Cooperation and the United Nations Educational, Scientific and Cultural Organization Universal Declaration on Cultural Diversity, adopted by its General Conference in 1966 and 2001 respectively,

Emphasizing the responsibilities of all States, in conformity with the Charter of the United Nations, to develop and encourage respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion, *Stressing* the importance of the promotion of the cultural rights of everyone and of respect for different cultural identities,

Convinced that international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all should be based on a profound understanding of the variety of problems existing in different societies, on full respect for their economic, social and cultural realities and on the full realization and recognition of the universality of all human rights and the principles of freedom, justice, equality and non-discrimination,

Reaffirming the interdependence and the mutually reinforcing nature of democracy, development and respect for human rights and fundamental freedoms,

Reaffirming also that cultural diversity is a cherished asset for the advancement and welfare of humanity at large and should be valued, enjoyed, genuinely accepted and embraced as a permanent feature which enriches our societies,

Recalling the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, adopted on 14 November 1970 by the General Conference of the United Nations Educational, Scientific and Cultural Organization, and the Convention on Stolen or Illegally Exported Cultural Objects, adopted on 24 June 1995 by the International Institute for the Unification of Private Law,

Aware of the importance attached by the countries of origin to the return of cultural property which is of fundamental spiritual and cultural value to them, so that they may constitute collections representative of their cultural heritage,

Expressing its concern about the illicit traffic of cultural property and its damage to the cultural heritage of nations,

Expressing its determination to prevent and mitigate cultural homogenization in the context of globalization, through increased intercultural exchange guided by the promotion and protection of cultural diversity,

1. *Reaffirms* that cultural rights are an integral part of human rights, which are universal, indivisible and interdependent;

2. *Reiterates* that everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits;

3. *Also reiterates* that everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he/she is the author;

4. *Affirms* that each culture has a dignity and value which must be respected and preserved and that every people has the right and the duty to develop its culture;

5. *Recognizes* that States have the primary responsibility for the promotion of the full enjoyment of cultural rights by everyone and for the enhancement of respect for different cultural identities;

6. *Also recognizes* that the promotion and protection of the full enjoyment of cultural rights by everyone and the respect for different cultural identities is a vital element for the protection of cultural diversity in the context of the ongoing process of globalization;

7. *Reaffirms* that all peoples have the right of self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development;

8. *Underlines* the importance of cultural cooperation for all peoples and all nations, which should share with one another their knowledge and skills, and that international cooperation, while promoting the enrichment of all cultures through its beneficent action, should respect the distinctive character of each;

9. *Emphasizes* that cultural cooperation is specially concerned with the moral and intellectual education of young people in a spirit of friendship, international understanding and peace and should foster awareness among States of the need to stimulate talent and promote the training of the rising generations in the most varied sectors;

10. *Recognizes* that the promotion and protection of cultural diversity implies a commitment to human rights and fundamental freedoms guaranteed by international law and advances the application and the enjoyment of cultural rights by everyone;

11. *Also recognizes* that the promotion of the cultural rights of everyone, of respect for the distinct cultural identities of peoples and of protection of the cultural diversity of humanity advances the implementation and enjoyment of all human rights by all;

12. *Stresses* that, in the face of current imbalances in flows and exchanges of cultural goods and services at the global level, it is necessary to reinforce international cooperation and solidarity aimed at enabling all countries, especially developing countries and countries in transition, to establish cultural industries that are viable and competitive at national and international level;

13. *Underlines* that market forces alone cannot guarantee the preservation and promotion of cultural diversity, which is the key to sustainable human development, and from this perspective, recognizes that the pre-eminence of public policy, in partnership with the private sector and civil society, must be reaffirmed;

14. *Calls upon* States and intergovernmental and non-governmental organizations to take appropriate measures and action for the implementation of the present resolution;

15. *Requests once again* the United Nations High Commissioner for Human Rights to consult States and intergovernmental and non-governmental organizations on the possibility of appointing a special rapporteur the basis of whose mandate would be the comprehensive implementation of the present resolution, and to report on the results of those consultations to the Commission at its sixtieth session;

16. *Decides* to continue its consideration of this matter at its sixtieth session, under the same agenda item.

56th meeting
22 April 2003
[Adopted without a vote. See chap. X.]

2003/27. Adequate housing as a component of the right to an adequate standard of living

The Commission on Human Rights,

Recalling its resolution 2002/21, of 22 April 2002, on adequate housing as a component of the right to an adequate standard of living, as well as resolution 2002/49, of 23 April 2002, on women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing, and resolution 2000/9, of 17 April 2000, in which it decided to appoint, for a period of three years, a special rapporteur whose mandate would focus on adequate housing as a component of the right to an adequate standard of living,

Noting the work of the United Nations treaty bodies, in particular of the Committee on Economic, Social and Cultural Rights, in the promotion of the rights related to adequate housing,

Welcoming the inclusion of the concept of "adequate shelter" in the Plan of Implementation of the World Summit on Sustainable Development (A/CONF.199/20, chap. I, resolution 2, annex) as an element for achieving socially, economically, and environmentally sustainable development, and recalling the resolve of the Heads of State and Government expressed in the United Nations Millennium Declaration to have achieved, by 2020, a significant improvement in the lives of at least 100 million slum dwellers,

Welcoming also the inclusion of the concept of "adequate housing" in the document entitled "A world fit for children", which the General Assembly adopted in the annex to its resolution S-27/2 of 10 May 2002, during its twenty-seventh special session, on children, as a key element for fostering family integration, contributing to social equity and strengthening of the feeling of belonging, security and human solidarity, and also welcoming the commitment stated in the document to attach high priority to overcoming the housing shortage and other infrastructure needs, particularly for children in marginalized peri-urban and remote rural areas,

Concerned that any deterioration in the general housing situation disproportionally affects the poor, as well as women and children, and members of groups requiring special protection,

Noting that persons with disabilities have particular needs in regard to, inter alia, the full and equal realization of adequate housing as a component of the right to an adequate standard of living, and welcoming in this respect the establishment of the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities as a contribution to promoting and raising the visibility of the rights and dignity of persons with disabilities,

1. *Takes note* of the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living (E/CN.4/2003/5 and Add.1-3) and of relevant parts of the report of the Secretary-General on economic, social and cultural rights (E/CN.4/2003/46);

2. *Welcomes* the efforts to mainstream the question of adequate housing within relevant United Nations activities, takes note with appreciation of the efforts undertaken by the Special Rapporteur to bring the issue of adequate housing to the attention of relevant United Nations conferences, special sessions and summits and their review processes, such as the World Summit on Sustainable Development, the World Food Summit: five years later, and the special session of the General Assembly on children, and encourages the Special Rapporteur, in accordance with his mandate, to continue in these efforts, inter alia within the framework of the implementation of and follow-up to the outcomes of relevant United Nations conferences and summits;

3. *Encourages* the Special Rapporteur to strengthen the integration of the rights relevant to his mandate into the Global Campaign for Secure Tenure launched by the United Nations Human Settlements Programme (UN-Habitat) and into other operational activities of the United Nations system, notably into processes and initiatives that are oriented towards poverty reduction, and to develop to this effect a dialogue with Governments, relevant United Nations bodies, in particular the Programme and the Office of the United Nations High Commissioner for Refugees, specialized agencies, international organizations, non-governmental organizations and international financial institutions;

4. *Also encourages* the Special Rapporteur to cooperate, in accordance with his mandate, with other rapporteurs, representatives, experts, notably the independent expert on the question of human rights and extreme poverty, members and chairpersons of working groups of the Commission, and United Nations bodies, including human rights treaty bodies;

5. *Decides* to renew the mandate of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, for a period of three years and requests the Special Rapporteur to submit a report to the Commission at its sixtieth session;

6. *Requests* the Special Rapporteur, in the fulfilment of his mandate:

(*a*) To give particular emphasis to practical solutions with regard to the implementation of the rights relevant to his mandate, on the basis of pertinent information, notably on best practices, including on domestic, legal enforcement of these rights, from Governments, relevant United Nations agencies and non-governmental organizations;

(*b*) To facilitate the provision of technical assistance;

(*c*) To pay specific attention to the rights and needs of persons with disabilities in the context of housing, and encourages him to contribute to the work of the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities by bringing to its attention the obstacles encountered by persons with disabilities in the context of housing;

7. *Also requests* the Special Rapporteur, within the limits of his mandate, further to review the interrelatedness of adequate housing as a component of the right to an adequate standard of living with other human rights;

8. *Requests* the United Nations High Commissioner for Human Rights to support cooperation between the Special Rapporteur and other rapporteurs, representatives, experts, members and chairpersons of working groups of the Commission and United Nations bodies, including human rights treaty bodies, that are relevant to the mandate of the Special Rapporteur;

9. *Welcomes* the joint work of the Office of the United Nations High Commissioner for Human Rights and UN-Habitat in developing a joint United Nations Housing Rights Programme and invites States to provide support for its effective implementation;

10. *Requests* the Office of the High Commissioner and UN-Habitat to strengthen their cooperation and to continue developing the joint United Nations Housing Rights Programme by increasing collaboration and cooperation with relevant treaty bodies, in particular the Committee on Economic, Social and Cultural Rights, relevant United Nations specialized agencies, and international organizations and non-governmental organizations, as well as by including in their work a compilation of indicative ideas and practices that can be consulted by States in order to assist them in promoting the full and progressive realization of adequate housing as a component of the right to an adequate standard of living;

11. *Calls upon* all States:

(*a*) To give full effect to housing rights, including through domestic development policies at the appropriate level of government and with the international assistance and cooperation, giving particular attention to the individuals, most often women and children, and communities living in extreme poverty, and to security of tenure;

(*b*) To ensure the observance of all their legally binding national standards in the area of housing;

(*c*) To cooperate with the Special Rapporteur;

(*d*) To submit to the Special Rapporteur information on different experiences, notably on best practices, in areas related to his mandate;

(*e*) Without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

(i) To counter social exclusion and marginalization of people who suffer from discrimination on multiple grounds, in particular by ensuring non-discriminatory access to adequate housing for indigenous people and persons belonging to minorities;

(ii) To promote participation in decision-making processes, in particular at the local level, when developing an adequate standard of living and housing;

(iii) To promote residential integration of all members of society at the planning stage of urban development schemes and other human settlements, as well as while renewing neglected areas of public housing, so as to counter social exclusion and marginalization;

(iv) To pay appropriate attention to the rights and needs of persons with disabilities in the context of adequate housing, including the removal of barriers and obstacles, and to consider taking these issues into account in fulfilment of their reporting obligations under international human rights instruments;

12. *Invites* UN-Habitat and the Office of the High Commissioner to explore further possibilities to support the Special Rapporteur;

13. *Requests* the Secretary-General to provide the Special Rapporteur with the assistance necessary for the execution of his mandate;

14. *Recommends* the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 8.]

56th meeting
22 April 2003
[Adopted without a vote. See chap. X.]

2003/28. The right of everyone to the enjoyment of the highest attainable standard of physical and mental health

The Commission on Human Rights,

Reaffirming the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Reaffirming also that the right of everyone to the enjoyment of the highest attainable standard of physical and mental health is a human right, as reflected, inter alia, in article 25, paragraph 1, of the Universal Declaration of Human Rights, article 12 of the International Covenant on Economic, Social and Cultural Rights and article 24 of the Convention on the Rights of the Child, as well as, with respect to non-discrimination, in article 5 (*e*) (iv) of the International Convention on the Elimination of All Forms of Racial Discrimination and in article 12, paragraph 1, of the Convention on the Elimination of all Forms of Discrimination against Women, and that such a right derives from the inherent dignity of the human person,

Recalling that, according to the Constitution of the World Health Organization, health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity, *Recalling also* the relevant provisions of declarations and programmes of action adopted by the major United Nations conferences, summits and special sessions and their follow-up meetings,

Recalling further all its previous resolutions concerning the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

Recalling general comment no. 14 (2000) on the right to the highest attainable standard of health (art. 12 of the International Covenant on Economic, Social and Cultural Rights), adopted by the Committee on Economic, Social and Cultural Rights at its twenty-second session in May 2000,

Noting general comment no. 15 (2002) on the right to water (arts.11 and 12 of the Covenant), adopted by the Committee at its twenty-ninth session in November 2002,

Noting also general comment no. 3 (2003) on HIV/AIDS and the rights of the child, adopted by the Committee on the Rights of the Child at its thirty-second session in January 2003,

Noting further general recommendation 24 on women and health (art. 12 of the Convention on the Elimination of All Forms of Discrimination against Women), adopted by the Committee on the Elimination of Discrimination against Women at its twentieth session,

Welcoming the work of the Intergovernmental Negotiating Body of the World Health Organization framework convention on tobacco control in finalizing a draft text for adoption by the fifty-sixth World Health Assembly in May 2003,

Concerned at the findings of the *World Report on Violence and Health* published in 2002 by the World Health Organization, according to which over 1.3 million people died from interpersonal or self-directed violence in 2000,

Noting that violence can have detrimental consequences for health and under some circumstances can be an obstacle to the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, as well as to the enjoyment of other human rights,

Aware that, for millions of people throughout the world, the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health still remains a distant goal and that, in many cases, especially for those living in poverty, this goal is becoming increasingly remote,

Recognizing a need for States, in cooperation with international organizations and civil society, including non-governmental organizations and the private sector, to create favourable conditions at the national, regional and international levels to ensure the full and effective realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

Recognizing also the indispensable role that health professionals play in the promotion and protection of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, *Welcoming* the initiatives by the Secretary-General and relevant United Nations bodies and programmes, such as the World Health Organization and the Joint United Nations Programme on HIV/AIDS (UNAIDS), as well as public-private partnership initiatives, such as the Global Fund to Fight AIDS, Tuberculosis and Malaria, which contribute to improvements in addressing health issues worldwide, including in developing countries, while noting that further progress should be achieved in this regard, including in the mobilization of resources,

Mindful of the need to promote and protect the progressive realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

Concerned about the interrelationships between poverty and the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, in particular that ill-health can be both a cause and a consequence of poverty,

Recalling the development goals of the United Nations Millennium Declaration, in particular the four health-related development goals,

Considering that sexual and reproductive health are integral elements of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

1. *Urges* States to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources, with a view to achieving progressively, by all appropriate means, the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including particularly the adoption of legislative measures;

2. *Calls upon* the international community to continue to assist the developing countries in promoting the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including through financial and technical support as well as training of personnel, while recognizing that the primary responsibility for promoting and protecting all human rights rests with States;

3. *Calls upon* States to guarantee that the right of everyone to the enjoyment of the highest attainable standard of physical and mental health will be exercised without discrimination of any kind;

4. *Invites* States to consider adopting a framework convention on tobacco control at the fifty-sixth World Health Assembly;

5. *Calls upon* States to pay special attention to the situation of vulnerable groups, including by the adoption of positive measures, in order to safeguard the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

6. *Also calls upon* States to protect and promote sexual and reproductive health as integral elements of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

7. *Considers* it of the utmost importance to enhance all States' efforts for effective prevention of violence causing physical and mental injury that constitutes a human rights violation, particularly with a view to reducing its possible negative impact on the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, as well as on the enjoyment of other human rights;

8. *Recommends* the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution.];

9. *Requests* the United Nations High Commissioner for Human Rights to solicit proposals from Governments, non-governmental organizations and United Nations bodies, programmes, and specialized agencies, in particular the World Health Organization, for possible measures to be taken and activities to be carried out during the United Nations Year for Violence Prevention, as proposed, and to submit a compilation thereof to the Commission at its sixtieth session;

10. *Invites* the Office of the High Commissioner for Human Rights, the World Health Organization and other relevant United Nations bodies and programmes, and specialized agencies to organize an international expert consultation on violence prevention and human rights, with the aim of developing guidelines on violence, based on human rights instruments;

11. *Invites* all relevant special rapporteurs who so wish to report, in fulfilling their mandates, on the issue of violence prevention and to make recommendations thereon to the Commission at its sixtieth session;

12. *Invites* all relevant treaty bodies that so wish to submit their contribution on the issue of violence prevention to the Commission at its sixtieth session;

13. *Affirms* that good governance, sound economic policies and solid democratic institutions responsive to the needs of the people are also key to the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

14. *Takes note with interest* of the preliminary report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (E/CN.4/2003/58);

15. *Invites* the Special Rapporteur, within the framework of his mandate, to pay particular attention to the linkages between poverty reduction strategies and the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, as well as between the realization of this right and aspects of discrimination and stigma, and to give particular attention to the identification of best practices for the effective operationalization of this right;

16. *Requests* the Special Rapporteur to pursue his analysis of the issues of neglected diseases, including very neglected diseases, and the role of health impact assessments;

17. *Requests* the High Commissioner to continue providing all the necessary resources for the effective fulfilment of the Special Rapporteur's mandate from within existing resources;

18. *Calls upon* Governments to cooperate fully with the Special Rapporteur in the implementation of his mandate, to provide all information requested and to respond promptly to his communications;

19. *Requests* the Special Rapporteur to submit annually a report to the Commission and an interim report to the General Assembly on the activities performed under his mandate;

20. *Decides* to continue consideration of this matter at its sixtieth session under the same agenda item.

56th meeting
22 April 2003
[Adopted by a recorded vote of 39 votes to 1,
with 13 abstentions. See chap. X.]

2003/29. Access to medication in the context of pandemics such as HIV/AIDS, tuberculosis and malaria

The Commission on Human Rights,

Reaffirming the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights,

Reaffirming also that the right of everyone to the enjoyment of the highest attainable standard of physical and mental health is a human right,

Recalling its resolutions 1999/49 of 27 April 1999, 2001/33 of 23 April 2001, 2001/51 of 24 April 2001 and 2002/32 of 22 April 2002,

Bearing in mind World Health Assembly resolutions WHA55.12 entitled "Contribution of WHO to the follow-up of the United Nations General Assembly special session on HIV/AIDS" and WHA55.14 entitled "Ensuring accessibility of essential medicines", both adopted on 18 May 2002, as well as the *Code of Practice on HIV/AIDS and the World of Work*, adopted by the Governing Body of the International Labour Office in May 2001,

Acknowledging that prevention and comprehensive care and support, including treatment and access to medication for those infected and affected by pandemics such as HIV/AIDS, tuberculosis and malaria are inseparable elements of an effective response and must be integrated into a comprehensive approach to respond to such pandemics,

Recalling the guidelines elaborated at the Second International Consultation on HIV/AIDS and Human Rights held at Geneva from 23 to 25 September 1996 (E/CN.4/1997/37, annex I), and taking note of the revision of guideline 6, issued at the Third International Consultation, held on 25 and 26 July 2002, *Recalling also* general comment no. 14 (2000) on the right to the highest attainable standard of health (art. 12 of the International Covenant on Economic, Social and Cultural Rights), adopted by the Committee on Economic, Social and Cultural Rights at its twenty-second session in May 2000,

Taking note of general comment no. 3 (2003) on HIV/AIDS and the rights of the child, adopted by the Committee on the Rights of the Child at its thirty-second session in January 2003,

Noting with great concern that, according to the Joint United Nations Programme on HIV/AIDS (UNAIDS), the HIV/AIDS pandemic claimed 3.1 million lives in 2002,

Alarmed that, according to the same source, about 42 million people were living with HIV by the end of 2002,

Alarmed also that, according to information provided jointly by UNAIDS, the United Nations Children's Fund and the United States Agency for International Development in July 2002, 25 million children under the age of 15 are projected to lose one or both parents owing to HIV/AIDS by 2010, 20 million of whom will reside in Africa,

Taking note of General Assembly resolution 57/294, entitled "2001-2010: Decade to Roll Back Malaria in Developing Countries, particularly in Africa", adopted on 20 December 2002,

Alarmed that, according to the global Roll Back Malaria partnership, malaria annually causes more than one million deaths, around 90 per cent of which are in Africa, that malaria is the leading cause of death in young children and that it causes at least 300 million cases of acute illness each year,

Alarmed also that, according to the World Health Organization report of 2003 entitled *Global Tuberculosis Control - Surveillance, Planning, Financing*, tuberculosis kills about 2 million people each year, 7 to 8 million people around the world become sick with tuberculosis each year and it is projected that between 2002 and 2020, 36 million people will die of tuberculosis if control is not further strengthened,

Acknowledging the significance of HIV/AIDS in the increase in tuberculosis and other opportunistic infections,

Welcoming the initiatives of the Secretary-General and relevant United Nations agencies, developed and developing countries, and the private sector to make drugs related to HIV/AIDS, tuberculosis and malaria more accessible to developing countries, and noting that much more can be done in this regard,

Recalling the Declaration on the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) and Public Health adopted at the Fourth World Trade Organization Ministerial Conference in Doha in November 2001,

Recognizing the need to find an expeditious solution to the problem faced by members of the World Trade Organization with insufficient or no manufacturing capacities in the pharmaceutical sector, as referred to in paragraph 6 of the Declaration, and supporting ongoing efforts in the World Trade Organization in this regard, *Stressing* the importance of fully implementing the Declaration of Commitment on HIV/AIDS "Global Crisis - Global Action", adopted by the General Assembly in its resolution S-26/2 of 27 June 2001 at its special session on HIV/AIDS, and taking note of the report of the Secretary-General to the General Assembly at its fifty-seventh session on progress towards implementation of the Declaration of Commitment on HIV/AIDS (A/57/227 and Corr.1),

Expressing its support for the work of the Global Fund to Fight AIDS, Tuberculosis and Malaria and of other international bodies combating such pandemics,

Recognizing that the spread of HIV/AIDS can have a uniquely devastating impact on all sectors and levels of society and stressing that the HIV/AIDS pandemic, if unchecked, may pose a risk to stability and security, as stated in Security Council resolution 1308 (2000) of 17 July 2000,

Emphasizing, in view of the increasing challenges presented by pandemics such as HIV/AIDS, tuberculosis and malaria, the need for intensified efforts to ensure universal respect for and observance of human rights and fundamental freedoms for all, including by reducing vulnerability to pandemics such as HIV/AIDS, tuberculosis and malaria and by preventing related discrimination and stigma,

1. *Recognizes* that access to medication in the context of pandemics such as HIV/AIDS, tuberculosis and malaria is one fundamental element for achieving progressively the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

2. *Calls upon* States to develop and implement national strategies, in accordance with applicable international law, including international agreements acceded to, in order progressively to realize access for all to prevention-related goods, services and information as well as access to comprehensive treatment, care and support for all individuals infected and affected by pandemics such as HIV/AIDS, tuberculosis and malaria;

3. *Also calls upon* States to establish or strengthen national health and social infrastructures and health-care systems, with the assistance of the international community as necessary, for the effective delivery of prevention, treatment, care and support to respond to pandemics such as HIV/AIDS, tuberculosis and malaria;

4. *Further calls upon* States to pursue policies, in accordance with applicable international law, including international agreements acceded to, which would promote:

(*a*) The availability in sufficient quantities of pharmaceutical products and medical technologies used to treat pandemics such as HIV/AIDS, tuberculosis and malaria or the most common opportunistic infections that accompany them;

(*b*) The accessibility and affordability for all without discrimination, including the most vulnerable or socially disadvantaged groups of the population, of pharmaceutical products or medical technologies used to treat pandemics such as HIV/AIDS, tuberculosis, malaria or the most common opportunistic infections that accompany them;

(*c*) The assurance that pharmaceutical products or medical technologies used to treat pandemics such as HIV/AIDS, tuberculosis, malaria or the most common opportunistic infections that accompany them, irrespective of their sources and countries of origin, are scientifically and medically appropriate and of good quality;

5. *Calls upon* States, at the national level, on a non-discriminatory basis, in accordance with applicable international law, including international agreements acceded to:

(*a*) To refrain from taking measures which would deny or limit equal access for all persons to preventive, curative or palliative pharmaceutical products or medical technologies used to treat pandemics such as HIV/AIDS, tuberculosis, malaria or the most common opportunistic infections that accompany them;

(*b*) To adopt and implement legislation or other measures, in accordance with applicable international law, including international agreements acceded to, to safeguard access to such preventive, curative or palliative pharmaceutical products or medical technologies from any limitations by third parties;

(*c*) To adopt all appropriate positive measures, to the maximum of the resources allocated for this purpose, to promote effective access to such preventive, curative or palliative pharmaceutical products or medical technologies;

6. *Also calls upon* States, in furtherance of the Declaration of Commitment on HIV/AIDS, to address factors affecting the provision of drugs related to the treatment of pandemics such as HIV/AIDS and the most common opportunistic infections that accompany them, as well as to develop integrated strategies to strengthen health-care systems, including voluntary counselling and testing, laboratory capacities and the training of health-care providers and technicians, in order to provide treatment and monitor the use of medications, diagnostics and related technologies;

7. *Further calls upon* States to take all appropriate measures, nationally and through cooperation, to promote research and development of new and more effective preventive, curative or palliative pharmaceutical products and diagnostic tools, in accordance with applicable international law, including international agreements acceded to;

8. *Calls upon* States, at the international level, to take steps, individually and/or through international cooperation, in accordance with applicable international law, including international agreements acceded to, such as:

(*a*) To facilitate, wherever possible, access in other countries to essential preventive, curative or palliative pharmaceutical products or medical technologies used to treat pandemics such as HIV/AIDS, tuberculosis and malaria or the most common opportunistic infections that accompany them, as well as to extend the necessary cooperation, wherever possible, especially in times of emergency;

(*b*) To ensure that their actions as members of international organizations take due account of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and that the application of international agreements is supportive of public health policies which promote broad access to safe, effective and affordable preventive, curative or palliative pharmaceutical products and medical technologies;

9. *Welcomes* the financial contributions made to date to the Global Fund to Fight AIDS, Tuberculosis and Malaria, urges that further contributions be made to sustain the Fund and calls upon all States to encourage the private sector to contribute to the Fund as a matter of urgency;

10. *Calls upon* UNAIDS to mobilize further resources to combat the HIV/AIDS pandemic and upon all Governments to take measures to ensure that the necessary resources are made available to UNAIDS, in line with the Declaration of Commitment on HIV/AIDS;

11. *Calls upon* States to ensure that those at risk of contracting malaria, in particular pregnant women and children under 5 years of age, benefit from the most suitable combination of personal and community protective measures, such as insecticide treated bed nets and other interventions that are accessible and affordable, to prevent infection and suffering;

12. *Also calls upon* States to provide the necessary support for the World Health Organization "Roll Back Malaria" and "Stop TB" partnerships in ongoing measures to combat malaria and tuberculosis;

13. *Calls upon* the international community, the developed countries in particular, to continue to assist the developing countries in the fight against pandemics such as HIV/AIDS, tuberculosis and malaria through financial and technical support, as well as through the training of personnel;

14. *Invites* the Committee on Economic, Social and Cultural Rights also to give attention to the issue of access to medication in the context of pandemics such as HIV/AIDS, tuberculosis and malaria and invites States to include appropriate information thereon in the reports they submit to the Committee;

15. *Takes note with interest* of the report of the Secretary-General on access to medication in the context of pandemics such as HIV/AIDS (E/CN.4/2003/48 and Add.1);

16. *Requests* the Secretary-General to solicit comments from Governments, United Nations organs, programmes and specialized agencies and international and non-governmental organizations on the steps they have taken to promote and implement, where applicable, the present resolution, as well as to report thereon to the Commission at its sixtieth session;

17. *Decides* to continue its consideration of this matter at its sixtieth session, under the same agenda item.

56th meeting
22 April 2003
[Adopted without a vote. See chap. X.]

2003/30. World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

The Commission on Human Rights,

Recalling all its previous resolutions and those of the General Assembly on this subject, in particular its resolution 2002/68 of 25 April 2002, and taking note of Assembly resolution 57/195 of 18 December 2002,

Reaffirming the views of the World Conference on Human Rights, held at Vienna in 1993, on the urgency of eliminating denials and violations of human rights,

Convinced that the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, South Africa, in 2001 made an important contribution to achieving the goal of eradicating racism, racial discrimination, xenophobia and related intolerance and that the results of the Conference have to be fully implemented without delay through effective action,

Recognizing that racism, racial discrimination, xenophobia and related intolerance occur on the grounds of race, colour, descent or national or ethnic origin and that victims can suffer multiple or aggravated forms of discrimination based on other related grounds such as sex, language, religion, political and other opinion, social origin, property, birth or other status,

Reaffirming its commitment to a global drive for the total elimination of racism, racial discrimination, xenophobia and related intolerance,

Recognizing that the successful implementation of the Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12) requires political will and adequate funding at the national, regional and international levels as well as international cooperation,

Underlining the importance of urgently eliminating continuing and violent trends involving racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy, tends to encourage the recurrence of such crimes and requires resolute action and cooperation for its eradication,

Emphasizing that poverty, underdevelopment, marginalization, social exclusion and economic disparities are closely associated with racism, racial discrimination, xenophobia and related intolerance and contribute to the persistence of racist attitudes and practices which in turn generate more poverty,

Welcoming the outcomes of the recent sessions of the Intergovernmental Working Group to make recommendations with a view to the effective implementation of the Durban Declaration and Programme of Action and to prepare complementary international standards to strengthen and update international instruments against racism, racial discrimination, xenophobia and related intolerance in all their aspects (E/CN.4/2003/20) and of the Working group of experts on people of African descent (E/CN.4/2003/21),

Convinced that racism, racial discrimination, xenophobia and related intolerance reveal themselves in a differentiated manner for women and girls and may be among the factors leading to a deterioration in their living conditions, poverty, violence, multiple forms of discrimination and the limitation or denial of their human rights, and recognizing the need to integrate a gender perspective into relevant policies, strategies and programmes of action against racism, racial discrimination, xenophobia and related intolerance in order to address multiple forms of discrimination,

I. BASIC GENERAL PRINCIPLES

1. *Acknowledges* that no derogation from the prohibition of racial discrimination, genocide, the crime of apartheid or slavery is permitted, as defined in the obligations under the relevant human rights instruments;

2. *Expresses its profound concern about and its unequivocal condemnation of* all forms of racism and racial discrimination, including related acts of racially motivated violence, xenophobia and intolerance, as well as propaganda activities and organizations that attempt to justify or promote racism, racial discrimination, xenophobia and related intolerance in any form;

3. *Affirms* that racism and racial discrimination, and xenophobia and related intolerance, where they amount to racism and racial discrimination, constitute serious violations of and obstacles to the full enjoyment of all human rights;

4. *Stresses* that States and international organizations have a responsibility to ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent or national or ethnic origin, and urges all States to rescind or refrain from all forms of racial profiling;

5. *Encourages* Governments to implement and enforce existing legislation, or where it does not exist, to enact, implement and enforce such legislation in consistency with their systems of law to prevent acts of racism, racial discrimination, xenophobia and related intolerance, thereby contributing to the prevention of human rights violations;

6. *Urges* all Governments to take all other necessary measures to combat racism, racial discrimination, xenophobia and related intolerance, including new and contemporary forms of racism, through specific measures and programmes, in particular in the legislative, judicial, administrative, educational and information fields;

7. *Urges* all States to review and, when necessary, revise their immigration laws, policies and practices so that they are free of racial discrimination and compatible with their obligations under international human rights instruments;

8. *Urges* States to adopt effective measures to combat criminal acts motivated by racism, racial discrimination, xenophobia and related intolerance, including measures to ensure that such motivations are considered an aggravating factor for the purposes of sentencing, to prevent those crimes from going unpunished and to ensure the rule of law;

9. *Condemns* political platforms and organizations based on racism, xenophobia or doctrines of racial superiority and related discrimination, as well as legislation and practices based on racism, racial discrimination, xenophobia and related intolerance as incompatible with democracy and transparent and accountable governance;

10. *Encourages* all States to include in their educational curricula and social programmes at all levels, as appropriate, knowledge of and tolerance and respect for foreign cultures, peoples and countries;

11. *Urges* States to mainstream a gender perspective in the design and development of prevention, education and protection measures aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels, to ensure that they effectively target the distinct situations of women and men;

II. INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

12. *Urges* States that have not yet done so to consider ratifying or acceding to the international human rights instruments that combat racism, racial discrimination, xenophobia and related intolerance, in particular to accede to the International Convention on the Elimination of All Forms of Racial Discrimination as a matter of urgency, with a view to achieving universal ratification by 2005, and to consider making the declaration envisaged under article 14 thereof, to comply with their reporting obligations, to publish and act upon the concluding observations of the Committee on the Elimination of Racial Discrimination, to withdraw reservations contrary to the object and purpose of the Convention and to consider withdrawing other reservations;

13. *Invites* States parties to ratify the amendment to article 8 of the Convention, on the financing of the Committee on the Elimination of Racial Discrimination, and calls for adequate additional resources from the United Nations regular budget to enable the Committee to discharge its mandate fully;

14. *Urges* all States parties to the Convention to intensify their efforts to implement the obligations that they have accepted under article 4 of the Convention, with due regard to the principles of the Universal Declaration of Human Rights and article 5 of the Convention;

15. *Notes* that the Committee on the Elimination of Racial Discrimination, in its general recommendation XV (42) of 17 March 1993 concerning article 4 of the Convention, holds that the prohibition of the dissemination of ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights and in article 5 of the Convention;

16. *Welcomes* general recommendation XXVIII, adopted on 19 March 2002 by the Committee on the Elimination of Racial Discrimination, in which the Committee emphasized the importance of follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and recommended measures to strengthen the implementation of the Convention as well as the functioning of the Committee;

III. COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE DURBAN DECLARATION AND PROGRAMME OF ACTION

17. *Welcomes* the report of the inaugural session, held from 21 to 31 January and on 21 March 2003 of the Intergovernmental Working Group to make recommendations with a view to the effective implementation of the Durban Declaration and Programme of Action and to prepare complementary international standards to strengthen and update international instruments against racism, racial discrimination, xenophobia and related intolerance in all their aspects, in particular its recommendations, adopted by consensus, and calls for the full and effective implementation of these recommendations by all stakeholders;

18. *Requests* the Office of the United Nations High Commissioner for Human Rights to pay special attention to the implementation of the recommendations of the Working Group;

19. *Also requests*, in the above context, the Office of the High Commissioner to submit an analytical report, to the next session of the Working Group, assessing the effectiveness of the current regional and international standards and instruments to combat racism, racial discrimination, xenophobia and related intolerance and identifying possible areas where complementary international standards might be needed, in order to assist the working group to fulfil its mandate of preparing complementary international standards;

20. *Welcomes* the thematic approach to the future sessions of the Working Group, focusing on the critical areas affecting the well-being of the victims of racism, and to this end, notes that the next session of the Working Group will analyse the themes relating to poverty and education;

21. *Also welcomes* progress achieved towards the appointment of the independent eminent experts and acknowledges the level of eminence of the proposed candidates and, bearing in mind the terms of reference entrusted to these experts, as well as the need to keep their mandate under constant review, decides on the following readjustment of their terms of reference:

(*a*) To follow the implementation of the provisions of the Durban Declaration and Programme of Action in cooperation with the United Nations High Commissioner for Human Rights and assist the High Commissioner in preparing his annual progress report to the Commission and to the General Assembly based on information and views provided by States, relevant human rights treaty bodies, special procedures and other mechanisms of the Commission, international, regional and non-governmental organizations and national human rights institutions;

(*b*) Bearing in mind the recommendations of the Working Group, to assist the High Commissioner in the assessment and evaluation of the existing international standards and instruments to combat racism, racial discrimination, xenophobia and related intolerance with a view to preparing complementary standards;

22. *Decides* that the Working Group shall convene its future sessions for an initial period of three years and encourages it to work effectively towards the fulfilment of its mandate;

23. *Requests* the Working Group to convene its second session of 10 working days and to focus on areas decided upon in its recommendations, namely, poverty, education and complementary standards, and to report on progress in this regard at the sixtieth session of the Commission;

24. *Welcomes* the report of the Working group of experts on people of African descent, in particular its recommendations, and encourages the continuation of its work, and bearing in mind the existing mandate of this Working Group, decides on the following additional mandates:

(*a*) To make proposals on the elimination of racial discrimination against Africans and people of African descent in all parts of the world;

(*b*) To address all the issues concerning the well-being of Africans and people of African descent contained in the Durban Declaration and Programme of Action;

25. *Recognizes*, in the above context, the importance of reformulating paragraph 8 (*d*) of its resolution 2002/68 on the mandate of the Working group of experts on people of African descent as follows:

> (*d*) To elaborate short-, medium- and long-term proposals for the elimination of racial discrimination against people of African descent, bearing in mind the need for close collaboration with international and development institutions and the specialized agencies of the United Nations system to promote the human rights of people of African descent, inter alia through:
>
> (i) Improving the human rights situation of people of African descent by devoting special attention to their needs, inter alia through the preparation of specific programmes of action;
>
> (ii) Designing special projects, in collaboration with people of African descent, to support their initiatives at the community level and to facilitate the exchange of information and technical know-how between these populations and experts in these areas;
>
> (iii) Developing programmes intended for people of African descent allocating additional investments to health systems, education, housing, electricity, drinking water and environmental control measures and promoting equal opportunities in employment, as well as other affirmative or positive action initiatives, within the human rights framework;

26. *Decides* that the Working Group shall convene its future sessions for an initial period of three years and encourages it to work effectively towards the fulfilment of its mandate, and also requests the Working Group to convene its second session of 10 working days and to report on progress in the fulfilment of its mandate at the sixtieth session of the Commission;

27. *Emphasizes* that the basic responsibility for effectively combating racism, racial discrimination, xenophobia and related intolerance lies with States, and to this end stresses that States have the primary responsibility to ensure full and effective implementation of all commitments and recommendations contained in the Durban Declaration and Programme of Action;

28. *Also emphasizes*, in that context, the fundamental and complementary role of the national human rights institutions, regional bodies or centres and civil society, working jointly with States towards the achievement of the objectives of the Durban Declaration and Programme of Action;

29. *Calls upon* all States to formulate and implement without delay at the national, regional and international levels policies and plans of action to combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations;

30. *Invites* States to assist the Office of the High Commissioner in developing and funding, upon the request of States, specific technical cooperation projects aimed at combating racism, racial discrimination, xenophobia and related intolerance, and when necessary and appropriate, to assist States in enhancing the development and implementation of their national action plans to combat racism, racial discrimination, xenophobia and related intolerance;

31. *Urges* States to support the activities of regional bodies or centres that combat racism, racial discrimination, xenophobia and related intolerance where they exist in their region, and recommends the establishment of such bodies or centres in all regions where they do not exist;

32. *Acknowledges* that the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance is on an equal footing with those of all the major United Nations conferences, summits and special sessions in the human rights and social fields;

33. *Emphasizes* that, in accordance with the Durban Declaration and Programme of Action, States have a shared responsibility, at the international level and within the framework of the United Nations system, to determine modalities for the overall review of the implementation of the Durban Declaration and Programme of Action;

34. *Acknowledges with appreciation* the entry into force on 1 July 2003 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and invites all States that have not yet done so to consider acceding to this important instrument;

35. *Notes with satisfaction* the progress made during the first session of the Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities, held in New York from 29 July

to 9 August 2002, and invites States, intergovernmental and non-governmental organizations, human rights treaty bodies and mechanisms, as well as independent experts with an interest in this matter and national disability and human rights institutions to contribute to the work of the Ad Hoc Committee;

36. *Reaffirms* that the Commission has a central role in the monitoring of the implementation of the Durban Declaration and Programme of Action within the United Nations system;

37. *Stresses* the need to ensure adequate financial and human resources, including through the regular budget of the United Nations, for the Office of the High Commissioner to carry out its responsibilities efficiently in the implementation of the Durban Declaration and Programme of Action;

IV. IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION AND COORDINATION OF ACTIVITIES

38. *Recalls* the proclamation by the General Assembly, in its resolution 48/91 of 20 December 1993, of the Third Decade to Combat Racism and Racial Discrimination, which began in 1993 and will end in 2003;

39. *Notes with great concern* that, despite the many efforts of the international community, the objectives of the Programme of Action for the Third Decade have largely not been achieved, welcomes, therefore, the adoption of the Durban Declaration and Programme of Action, and calls for its full implementation at the national, regional and international levels;

40. *Recommends* that the General Assembly, after considering the analytical report of the Secretary-General on the extent of implementation of the Programme of Action for the Third Decade, to be submitted pursuant to Assembly resolution 57/195, consider the closure of the Third Decade;

41. *Also recommends* that the General Assembly, in the coming decade of activities to combat racism, racial discrimination, xenophobia and related intolerance, place emphasis on the concrete implementation of the Durban Declaration and Programme of Action on the basis of a broad-based consensus on the importance of the anti-discrimination struggle worldwide;

IV. SPECIAL RAPPORTEUR ON CONTEMPORARY FORMS OF RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE, AND FOLLOW-UP TO HIS VISITS

42. *Welcomes with satisfaction* the reports of the Special Rapporteur (E/CN.4/2003/23 and 24) and encourages the continuation of his work;

43. *Reiterates its call* to all Member States, intergovernmental organizations, relevant organizations of the United Nations and non-governmental organizations to cooperate fully with the Special Rapporteur;

44. *Requests* the Special Rapporteur to continue his exchange of views with Member States and relevant mechanisms and treaty bodies within the United Nations system in order to further enhance their effectiveness and mutual cooperation;

45. *Calls upon* Governments which have not yet issued standing invitations to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him to fulfil his mandate fully and effectively;

46. *Urges* Member States to consider implementing the recommendations contained in the reports of the Special Rapporteur;

47. *Encourages* closer collaboration between the Special Rapporteur and the Office of the High Commissioner for Human Rights, in particular the newly formed Anti-Discrimination Unit;

48. *Requests* the Secretary-General to provide the Special Rapporteur with all the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit an interim report to the General Assembly at its fifty-eighth session;

VI. GENERAL

49. *Decides* to consider this matter at its sixtieth session under the sub-item of the agenda entitled "Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action".

57th meeting
23 April 2003
[Adopted by a recorded vote of 38 to 1,
with 13 abstentions. See chap. VI.]

2003/31. Question of arbitrary detention

The Commission on Human Rights,

Reaffirming articles 3, 9, 10 and 29, as well as other relevant provisions, of the Universal Declaration of Human Rights,

Recalling articles 9, 10, 11 and 14 to 22 of the International Covenant on Civil and Political Rights,

Bearing in mind that, in accordance with its resolution 1991/42 of 5 March 1991, the task of the Working Group on Arbitrary Detention is to investigate cases of detention imposed arbitrarily or otherwise inconsistently with the relevant international standards set forth in the Universal Declaration of Human Rights or in the relevant international legal instruments accepted by the States concerned, *Recalling* the adoption by the Working Group of its deliberation no. 5 (E/CN.4/2000/4, annex II), which relates to the situation of immigrants and asylum-seekers and guarantees concerning persons held in custody, with a view to ensuring better prevention of arbitrary detention,

Reaffirming its resolution 2002/42 of 23 April 2002,

1. *Takes note* of:

(*a*) The report of the Working Group on Arbitrary Detention (E/CN.4/2003/8 and Add.1-3);

(*b*) The work of the Working Group and underlines the positive initiatives it has taken to strengthen cooperation and dialogue with States and the establishment of cooperation with all those concerned by the cases submitted to it for consideration, in accordance with its mandate;

(*c*) The importance that the Working Group attaches to coordination with other mechanisms of the Commission, with other competent United Nations bodies and with treaty bodies, as well as to the strengthening of the role of the Office of the United Nations High Commissioner for Human Rights in such coordination and encourages the Working Group to take all necessary measures to avoid duplication with those mechanisms, in particular regarding the treatment of the communications it receives and field visits;

2. *Requests* the Governments concerned to take account of the Working Group's views and, where necessary, to take appropriate steps to remedy the situation of persons arbitrarily deprived of their liberty and to inform the Working Group of the steps they have taken;

3. *Encourages* the Governments concerned:

(*a*) To implement the recommendations of the Working Group concerning persons mentioned in its report who have been detained for a number of years;

(*b*) To take appropriate measures in order to ensure that their legislation, regulations and practices in these fields are in conformity with the relevant international standards and the relevant international legal instruments applicable to the States concerned;

(*c*) Not to extend states of emergency beyond what is strictly required by the situation, in accordance with the provisions of article 4 of the International Covenant on Civil and Political Rights, or to limit their effect;

(*d*) To pay special attention, during states of emergency, to the exercise of those rights that ensure protection against arbitrary detention;

4. *Encourages* all Governments to invite the Working Group to visit their countries so that it may carry out its mandate even more effectively;

5. *Requests* the Governments concerned to give the necessary attention to the "urgent appeals" addressed to them by the Working Group on a strictly humanitarian basis and without prejudging its possible final conclusions;

6. *Expresses its profound thanks* to the Governments which have extended their cooperation to the Working Group and responded to its requests for information, and invites all Governments concerned to demonstrate the same spirit of cooperation;

7. *Takes note with satisfaction* of the fact that the Working Group has been informed of the release of some of the individuals whose situation has been brought to its attention, while deploring the many cases which have not yet been resolved;

8. *Takes note* of the recommendations made by the Working Group in its report;

9. *Requests* the Secretary-General:

(*a*) To extend his assistance to Governments expressing the wish to receive it, and to the special rapporteurs and working groups, with a view to ensuring the promotion and observance of the guarantees relating to states of emergency that are laid down in the relevant international instruments;

(*b*) To ensure that the Working Group receives all necessary assistance, particularly with regard to the staffing and resources needed to continue to discharge its mandate, especially in respect of field missions;

10. *Decides* to extend for three years the mandate of the Working Group in accordance with resolutions 1991/42 of 5 March 1991 and 1997/50 of 15 April 1997;

11. *Requests* the Working Group to submit to the Commission, at its sixtieth session, a report on its activities and on the implementation of the present resolution and to include any suggestions and recommendations which would enable it to carry out its task in the best possible way and to continue its consultations to that end in the framework of its terms of reference;

12. *Decides* to continue its consideration of this question at its sixtieth session under the relevant agenda item.

57th meeting
23 April 2003
[Adopted without a vote. See chap. XI.]

2003/32. Torture and other cruel, inhuman or degrading treatment or punishment

The Commission on Human Rights,

Reaffirming that no one should be subjected to torture or other cruel, inhuman or degrading treatment or punishment, that such actions constitute a criminal attempt to destroy a fellow human being physically and mentally, which can never be justified under any circumstances by any ideology or by any overriding interest, and convinced that a society that tolerates torture can never claim to respect human rights,

Recalling that freedom from torture and other cruel, inhuman or degrading treatment or punishment is a non-derogable right and that the prohibition of torture is explicitly affirmed in all relevant international instruments, as set out in the second preambular paragraph of Commission resolution 2001/62 of 25 April 2001,

Recalling also the definition of torture contained in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Appalled at the widespread occurrence of torture and other cruel, inhuman or degrading treatment or punishment,

Recalling all relevant resolutions of the General Assembly, the Economic and Social Council and its own resolutions on the subject, in particular resolution 2002/38 of 22 April 2002 and Assembly resolution 57/200 of 18 December 2002,

Mindful of the proclamation by the General Assembly, in its resolution 52/149 of 12 December 1997, of 26 June as United Nations International Day in Support of Victims of Torture,

Commending the persistent efforts by non-governmental organizations to combat torture and to alleviate the suffering of victims of torture,

Emphasizing the importance of Governments taking persistent action to prevent and combat torture and commending those Governments which have also cooperated in this regard with non-governmental organizations,

1. *Condemns* all forms of torture and other cruel, inhuman or degrading treatment or punishment, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all Governments to implement fully the prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

2. *Condemns in particular* any action or attempt by States or public officials to legalize or authorize torture under any circumstances, including through judicial decisions, and calls upon Governments to eliminate practices of torture;

3. *Urges* all Governments to promote the speedy and full implementation of the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), in particular Part II, section B.5, relating to freedom from torture, in which it is stated that States should abrogate legislation leading to impunity for those responsible for grave violations of human rights such as torture and prosecute such violations, thereby providing a firm basis for the rule of law;

4. *Also urges* Governments to take effective measures to provide redress and to prevent torture and other cruel, inhuman or degrading treatment or punishment, including their gender-based manifestations;

5. *Reminds* Governments that corporal punishment, including of children, can amount to cruel, inhuman or degrading punishment or even to torture;

6. *Also reminds* Governments that intimidation and coercion, as described in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, including serious and credible threats, as well as death threats, to the physical integrity of the victim or of a third person, can amount to cruel, inhuman or degrading treatment or to torture;

7. *Stresses* that, under article 4 of the Convention, torture must be made an offence under domestic criminal law and emphasizes that acts of torture are serious violations of international humanitarian law and that the perpetrators are liable to prosecution and punishment;

8. *Stresses in particular* that all allegations of torture or other cruel, inhuman or degrading treatment or punishment should be promptly and impartially examined by the competent national authority, that those who encourage, order, tolerate or perpetrate acts of torture must be held responsible and severely punished, including the officials in charge of the place of detention where the prohibited act is found to have taken place, notes in this respect the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Principles) annexed to Commission resolution 2000/43 of 20 April 2000 and General Assembly resolution 55/89 of 4 December 2000 as a useful tool in efforts to combat torture, and reiterates its request to the Special Rapporteur, in the normal course of his work, to solicit views from Governments and non-governmental organizations;

9. *Stresses* that States must not punish personnel for not obeying orders to commit acts amounting to torture or other cruel, inhuman or degrading treatment or punishment;

10. *Also stresses* that national legal systems should ensure that the victims of torture or other cruel, inhuman or degrading treatment or punishment obtain redress and are awarded fair and adequate compensation and receive appropriate socio-medical rehabilitation, and in this regard encourages the development of rehabilitation centres for victims of torture;

11. *Urges* Governments to protect medical and other personnel for their role in documenting torture or any other form of cruel, inhuman or degrading treatment or punishment and in treating victims of such acts;

12. *Calls upon* all Governments to take appropriate effective legislative, administrative, judicial or other measures to prevent and prohibit the production, trade, export and use of equipment which is specifically designed to inflict torture or other cruel, inhuman or degrading treatment;

13. *Takes note with appreciation* of the Special Rapporteur's study (E/CN.4/2003/69) on the situation of trade in and production of such equipment, its origin, destination and forms, calls upon States and non-governmental organizations to provide the information requested by the Special Rapporteur to enable him to carry out further work with a view to finding the best ways to prohibit such trade and production and to combat its proliferation, and requests the Special Rapporteur to report thereon to the Commission;

14. *Reminds* all States that prolonged incommunicado detention may facilitate the perpetration of torture and can in itself constitute a form of cruel, inhuman or degrading treatment or even torture, and urges all States to respect the safeguards concerning the liberty, security and the dignity of the person;

15. *Urges* all States to consider becoming parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as a matter of priority, with a view to achieving universal ratification, and welcomes the ratifications and accessions since the fifty-eighth session of the Commission;

16. *Encourages* States parties to consider limiting the extent of any reservations they lodge to the Convention, to formulate any reservations as precisely and narrowly as possible, to ensure that no reservation is incompatible with the object and purpose of the Convention and to review regularly any reservations made in respect of the provisions of the Convention, with a view to withdrawing them;

17. *Invites* all States ratifying or acceding to the Convention and those States parties that have not yet done so to make the declarations provided for in articles 21 and 22 of the Convention and to avoid making, or consider the possibility of withdrawing, reservations to article 20;

18. *Urges* States parties to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible;

19. *Also urges* all States parties to comply strictly with their obligations in accordance with article 19 of the Convention, including their reporting obligations, and, in particular, those States parties whose reports are long overdue to submit their reports forthwith, and invites States parties to incorporate a gender perspective and information concerning children and juveniles when submitting reports to the Committee against Torture;

20. *Emphasizes* the obligation of States parties under article 10 of the Convention to ensure education and training for personnel who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment, and calls upon the United Nations High Commissioner for Human Rights, in conformity with the mandate established in General Assembly resolution 48/141 of 20 December 1993, to provide, at the request of Governments, advisory services in this regard, as well as technical assistance in the development, production and distribution of appropriate teaching material for this purpose;

21. *Invites* donor countries, recipient countries and relevant United Nations organizations, funds and programmes, in particular the Office of the United Nations High Commissioner for Human Rights, to consider, where appropriate, including in their respective bilateral programmes and technical cooperation projects relating to the training of armed forces, security forces, prison and police personnel and health-care personnel, matters relating to the protection of human rights, including the prevention of torture, while bearing in mind a gender perspective;

22. *Calls upon* States parties to consider signing and ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, providing further measures for use in the fight against and prevention of torture, which was adopted by the General Assembly in its resolution 57/199 of 18 December 2002;

23. *Takes note* that ratifications from 20 States parties are required for the Optional Protocol to enter into force;

24. *Welcomes* the report of the Committee against Torture on its twenty-seventh and twenty-eighth sessions (A/57/44);

25. *Also welcomes* the work of the Committee and its practice of formulating concluding observations after the consideration of reports and recognizes the importance of the process of individual communications relating to States which have made a declaration under article 22 of the Convention, as well as its practice of carrying out inquiries into cases where there are indications of the systematic practice of torture within the jurisdiction of States parties, and urges States parties to take into account such conclusions and recommendations, as well as views on individual communications;

26. *Takes note with appreciation* of the report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/2003/60) and requests the Secretary-General to continue to submit an annual report to the Commission;

27. *Also takes note with appreciation* of the work of the Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment and notes the recommendations contained in his report (E/CN.4/2002/68 and Add.1-3), as well as the recommendations made in previous years, and encourages the Special Rapporteur to include among his recommendations proposals for the prevention and investigation of torture, taking into account information received concerning training manuals and activities aimed at facilitating the practice of torture;

28. *Draws the attention* of the Special Rapporteur to those aspects related to his activities set out in paragraphs 3, 27, 28, 31, 32 and 36 of Commission resolution 2001/62, with a view to his reporting to the Commission as appropriate;

29. *Considers it desirable* that the Special Rapporteur continue to exchange views with the relevant human rights mechanisms and bodies, especially the Committee against Torture and the Office of the High Commissioner, in particular with a view to enhancing further their effectiveness and mutual cooperation, while avoiding unnecessary duplication with other special procedures, and that he pursue cooperation with other relevant United Nations programmes, notably that on crime prevention and criminal justice;

30. *Reiterates* the need for the Special Rapporteur to be able to respond effectively, in particular through urgent appeals, to credible and reliable information that comes before him, invites him to continue to seek the views and comments of all concerned, in particular Governments, and underlines that the facts forming the basis for the urgent appeals should be clearly set out;

31. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in the performance of his task, to supply all necessary information requested by him and to react appropriately and expeditiously to his urgent appeals;

32. *Urges* those Governments that have not yet responded to communications transmitted to them by the Special Rapporteur to answer without further delay;

33. *Calls upon* all Governments to give serious consideration to responding favourably to the Special Rapporteur's requests to visit their countries and urges them to enter into a constructive dialogue with the Special Rapporteur with respect to the follow-up to his recommendations, so as to enable him to fulfil his mandate even more effectively;

34. *Invites* the Special Rapporteur to submit an interim report to the General Assembly at its fifty-eighth session on the overall trends and developments with regard to his mandate and a full report to the Commission at its sixtieth session, including as addenda all replies sent by Governments that are received in any of the official languages of the United Nations;

35. *Takes note* of the reports of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (A/57/268 and E/CN.4/2003/61 and Add.1);

36. *Recognizes* the global need for international assistance to victims of torture, expresses its gratitude and appreciation to those Governments, organizations and individuals that have contributed to the Fund and encourages them to continue to do so;

37. *Stresses* the importance of the work of the Board of Trustees of the Fund and appeals to all Governments, organizations and individuals to contribute annually to the Fund and preferably by 1 March before the annual meeting of the Board, if possible with a substantial increase in the contributions in order to take into consideration the ever-increasing requests for assistance, in particular the increasing need for assistance to rehabilitation services for victims of torture and to small projects of humanitarian assistance to victims of torture;

38. *Requests* the Secretary-General to continue to include the Fund, on an annual basis, among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities and to transmit to all Governments the appeals of the Commission for contributions to the Fund;

39. *Calls upon* the Board of Trustees of the Fund to report to the Commission at its sixtieth session, and requests an independent evaluation, in accordance with United Nations rules and regulations, of the functioning of the Fund, including in particular the lessons and best practices learned from the Fund's activities, with a view to further enhancing its effectiveness; the independent evaluation should be initiated before the next session of the Commission using extrabudgetary funding;

40. *Requests* the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of an adequate and stable level of staffing, as well as the necessary technical facilities, for the bodies and mechanisms involved in combating torture and

assisting victims of torture, in order to ensure their effective performance commensurate with the strong support expressed by Member States for combating torture and assisting victims of torture;

41. *Calls upon* all Governments, the United Nations High Commissioner for Human Rights and United Nations bodies and agencies, as well as relevant intergovernmental and non-governmental organizations, to commemorate on 26 June the United Nations International Day in Support of Victims of Torture;

42. *Decides* to continue to consider this matter at its sixtieth session, as a matter of priority.

57th meeting
23 April 2003
[Adopted without a vote. See chap. XI.]

2003/33. Human rights and forensic science

The Commission on Human Rights,

Recalling its resolutions 1993/33 of 5 March 1993, 1994/31 of 4 March 1994, 1996/31 of 19 April 1996, 1998/36 of 17 April 1998 and 2000/32 of 20 April 2000,

Welcoming the report of the Office of the United Nations High Commissioner for Human Rights on human rights and forensic science (E/CN.4/2002/67), submitted pursuant to Commission resolution 2000/32,

Recognizing that forensic science is an important tool in detecting evidence of torture and other cruel, inhuman or degrading treatment or punishment and extrajudicial, summary or arbitrary executions, and recalling in this context the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions adopted by the Economic and Social Council in its resolution 1989/65 of 24 May 1989, as well as the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Principles) annexed to Commission resolution 2000/43 of 20 April 2000 and General Assembly resolution 55/89 of 4 December 2000,

Recognizing also that forensic investigations can play an important role in combating impunity by providing the evidentiary basis on which prosecutions can successfully be brought against persons responsible for grave violations of human rights and international humanitarian law,

Noting that the practice of forensic science includes examinations of both dead and living persons, and also includes identification procedures,

Noting also the need of Governments, intergovernmental organizations and non-governmental organizations for forensic scientific expertise in investigating deaths and clarifying disappearances, *Aware* that several special rapporteurs have used or referred to the need for the assistance of experts in various forensic disciplines in the context of the implementation of their mandates,

1. *Welcomes* the increased use of forensic investigations in situations where grave violations of human rights and international humanitarian law have occurred, and encourages further coordination concerning, inter alia, the planning and realization of such investigations, as well as the protection of forensic and related experts, between Governments, intergovernmental organizations and non-governmental organizations;

2. *Notes* the progress made by the Office of the United Nations High Commissioner for Human Rights in the use of forensic experts, including the revised Cooperation Service Agreement (E/CN.4/1998/32, annex II) regulating the use of forensic experts provided either by a Member State or by a non-governmental organization;

3. *Welcomes* the publication by the Office of the High Commissioner of the *Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (Professional Training Series, No. 8);

4. *Also welcomes* the establishment of a consolidated database of forensic experts at the Office of the High Commissioner, and requests the United Nations High Commissioner for Human Rights to keep the database continuously updated in consultation with Governments, relevant United Nations bodies and professional organizations of forensic and related experts;

5. *Recommends* that the Office of the High Commissioner encourage forensic experts to coordinate further and produce additional manuals on examinations of living persons;

6. *Also recommends* that the Office of the High Commissioner encourage, as appropriate, the dissemination and use of the manuals referred to in the present resolution and the setting up of courses aimed at providing training in forensic activities relating to victims of human rights violations, particularly in countries without sufficient expertise in forensic science and related fields, for example through the training of local teams;

7. *Further recommends* that the Secretary-General, with a view to promoting quality and consistency, establish procedures to evaluate the use of forensic expertise and the results of those efforts;

8. *Encourages* Governments to establish thorough, prompt and impartial investigation and documentation procedures, such as those reflected in the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions and in the Istanbul Principles;

9. *Requests* the Secretary-General to provide appropriate resources, from within existing overall United Nations resources, to fund the activities of the Office of the High Commissioner in implementing the present resolution, including a revision of the *Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions*;

10. *Requests* the Office of the High Commissioner to report to the Commission at its sixty-first session on progress made in this matter;

11. *Decides* to consider this question at its sixty-first session under the same agenda item.

57th meeting
23 April 2003
[Adopted without a vote. See chap. XI.]

2003/34. The right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, other relevant human rights instruments and the Vienna Declaration and Programme of Action (A/CONF.157/23),

Reaffirming that, pursuant to internationally proclaimed human rights principles, victims of grave violations of human rights should receive, in appropriate cases, restitution, compensation and rehabilitation,

Reiterating the importance of addressing the question of restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms in a systematic and thorough way at the national and international levels,

Recalling its resolutions 1996/35 of 19 April 1996, 1998/43 of 17 April 1998, 1999/33 of 26 April 1999, 2000/41 of 20 April 2000 and 2002/44 of 23 April 2002, as well as its decision 2001/105 of 23 April 2001,

Recalling also the report of the independent expert appointed by the Commission, Mr. Cherif Bassiouni (E/CN.4/2000/62), and, in particular, the draft of the "Basic principles and guidelines on the right to a remedy and reparation for victims of violations of international human rights and humanitarian law", annexed to his report, and the note by the Secretariat (E/CN.4/2002/70),

Welcoming with satisfaction the positive experience of countries that have established policies and adopted legislation on restitution, compensation and rehabilitation for victims of grave violations of human rights,

1. *Calls upon* the international community to give due attention to the right to a remedy and, in particular, in appropriate cases, to receive restitution, compensation and rehabilitation, for victims of grave violations of international human rights law and humanitarian international law;

2. *Requests* the Secretary-General to circulate to all Member States and intergovernmental and non-governmental organizations in consultative status with the Economic and Social Council the draft of the "Basic principles and guidelines on the right to a remedy and reparation for victims of violations of international human rights and humanitarian law", annexed to the report of the independent expert, and to request those that have not yet done so to send their comments thereon to the Office of the United Nations High Commissioner for Human Rights;

3. *Takes note* of the report of the Chairperson-Rapporteur of the consultative meeting, held on 30 September and 1 October 2002, with a view to finalizing the "Basic principles and guidelines on the right to a remedy and reparation for victims of violations of international human rights and humanitarian law" (E/CN.4/2003/63);

4. *Requests* the Chairperson-Rapporteur of the consultative meeting, in consultation with the independent experts, Mr. Theo van Boven and Mr. Cherif Bassiouni, to prepare a revised version of the "Basic principles and guidelines on the right to a remedy and reparation for victims of violations of international human rights and humanitarian law", taking into account the opinions and commentaries of States and of intergovernmental and non-governmental organizations and the results of the consultative meeting;

5. *Requests* the United Nations High Commissioner for Human Rights to hold, with the cooperation of interested Governments, a second consultative meeting for all interested Member States, intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council, using available resources, with a view to finalizing the "Basic principles and guidelines on the right to a remedy and reparation for victims of violations of international human rights and humanitarian law" and, if appropriate, to consider options for the adoption of these principles and guidelines; the second consultative meeting should have, as a basis for its work, the comments submitted, the report of the Chairperson-Rapporteur of the first consultative meeting and the revised version of the principles and guidelines to be prepared by the Chairperson-Rapporteur of the first consultative meeting in consultation with the independent experts, Mr. Theo van Boven and Mr. Cherif Bassiouni;

6. *Encourages* the Chairperson-Rapporteur of the first consultative meeting to conduct informal consultations with all interested parties, to further contribute to the process of the "Basic principles and guidelines on the right to a remedy and reparation for victims of violations of international human rights and humanitarian law";

7. *Requests* the High Commissioner to transmit to the Commission at its sixtieth session the final outcome of the second consultative meeting for its consideration;

8. *Decides* to continue its consideration of this question, as a matter of priority, at its sixtieth session under the sub-item entitled "Independence of the judiciary, administration of justice, impunity" of the relevant agenda item.

57th meeting
23 April 2003
[Adopted without a vote. See chap. XI.]

2003/35. Strengthening of popular participation, equity, social justice and non-discrimination as essential foundations of democracy

The Commission on Human Rights,

Recalling its resolutions 2001/36 of 23 April 2001 and 2002/34 of 22 April 2002 on this issue,

Recalling also General Assembly resolution 55/96 of 4 December 2000 and recalling its own resolution 2000/47 of 25 April 2000 on promoting and consolidating democracy,

Reaffirming its commitment to the purposes and principles enshrined in the Charter of the United Nations,

Reaffirming also the commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all in accordance with the Charter of the United Nations, other instruments relating to human rights, and international law,

Stressing that all peoples have the right of self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

Recognizing that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing,

Recalling that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat all human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

Reaffirming the commitment made by Member States to strive for the full protection and promotion in all our States of civil, political, economic, social and cultural rights for all,

Considering the major changes taking place on the international scene and the aspirations of all peoples for a democratic, participatory and fair international order based on the principles enshrined in the Charter of the United Nations, including promoting and encouraging respect for human rights and fundamental freedoms for all and respect for the principle of equal rights and self-determination of peoples, peace, democracy, justice, equality, rule of law, pluralism, development, better standards of living and solidarity,

Welcoming the commitment of all Member States, expressed in the United Nations Millennium Declaration, to work collectively for more inclusive political processes allowing genuine participation by all citizens in all countries,

Welcoming also the pledge of the international community at the World Conference on Human Rights, held at Vienna in June 1993, to support the strengthening and promotion of democracy, development and respect for human rights and fundamental freedoms throughout the world, *Recognizing* that the equal participation of all individuals and peoples in the formation of just, equitable, democratic and inclusive societies can contribute to a world free from racism, racial discrimination, xenophobia and related intolerance,

Emphasizing the importance of the equitable participation of all, without any discrimination, in domestic as well as global decision-making,

Considering that in the current context of globalization, whereby decisions affecting people's lives are often taken outside the national context, the application of the principles of democracy to the international and regional levels has taken on added importance,

Recognizing that development can only be sustainable on a long-term basis if development policies are responsive to people's needs and ensure people's participation both in their design and implementation, while stressing the fact that meeting the basic human needs essential for survival is a sine qua non condition for an effective democracy,

Emphasizing that the persistence of extreme poverty inhibits the full and effective enjoyment of human rights and the participation of all citizens in the democratic processes in every society, and that the full participation of everyone in democratic societies fosters and enhances the struggle against poverty,

Reaffirming the need to create an environment - at the national and global levels alike - which is conducive to development and to the elimination of poverty,

Recalling that accountable and transparent governance at the national and international levels is critical for the creation of an environment that facilitates the development of democratic, prosperous and peaceful societies,

Recognizing and respecting the rich and diverse nature of the community of the world's democracies, which arise out of all of the world's social, cultural and religious beliefs and traditions,

Bearing in mind that each society and every context has its own indigenous and relevant democratic institutional traditions, and that while no single institution can claim democratic perfection, the combination of domestic democratic structures with universal democratic norms is a formidable tool in strengthening both the roots and the reach of democracy and in advancing a universal understanding of democracy,

Recognizing that while all democracies share common features, differences between democratic societies should be neither feared nor repressed, but cherished as a precious asset of humanity,

Aware of the importance of fostering a diversity of social contributions in strengthening people's participation, equity, social justice and non-discrimination, including the enhancement of non-governmental organizations, people's organizations, voluntary social organizations, trade unions, the private sector and other actors of civil society,

Aware also of the importance of ensuring the implementation of the rights to freedom of opinion and expression as well as to freedom of assembly and association, in accordance with articles 19, 20, 21 and 22 of the International Covenant on Civil and Political Rights, *Recalling* the commitment undertaken by all States within the framework of the United Nations and other international organizations to work for the promotion of democracy and the rule of law,

1. *Declares* that popular participation, equity, social justice and non-discrimination are essential foundations of democracy;

2. *Reaffirms* that democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives and that in that context the promotion and protection of human rights and fundamental freedoms at the national and international levels should be universal and conducted without conditions attached;

3. *Also reaffirms* that, while all democracies share common features, there is no one model of democracy; therefore we must not seek to export any particular model of democracy;

4. *Affirms* that the consolidation of democracy requires the promotion and protection of all human rights for everyone, both civil and political rights and economic, social and cultural rights, including the right to development as a universal and inalienable right and an integral part of fundamental human rights, as established in the Declaration on the Right to Development;

5. *Also affirms* that the right to development is a crucial area of public affairs in every country and requires free, active and meaningful popular participation;

6. *Reaffirms* that democracy, development and respect for human rights are interdependent and mutually reinforcing;

7. *Stresses* that the consolidation of democracy requires that sustained economic growth and sustainable development of countries and communities foster the promotion and consolidation of democracies;

8. *Declares* that full popular participation is only feasible if societies have democratic political and electoral systems which guarantee to all their citizens the possibility both to take part in the government of their country, directly or through freely chosen representatives, and to have equal access to public service, without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;

9. *Reaffirms* that the will of the people shall be the basis of the authority of government and that this shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures;

10. *Also reaffirms* that free and fair elections, popular participation and control, collective deliberation and political equality are essential to democracy and must be realized through a framework of accessible, representative and accountable institutions subject to periodic change or renewal;

11. *Recognizes* that inequitable political, economic, cultural and social conditions can breed and foster racism, racial discrimination, xenophobia and related intolerance, which in turn exacerbate inequity;

12. *Reaffirms* that genuine equality of opportunity for all, in all spheres, including that of development, is fundamental to the eradication of racism, racial discrimination, xenophobia and related intolerance;

13. *Urges* all States to foster a democracy that, inspired by the recognition of the inherent dignity and the equal and inalienable rights of all members of the human family, promotes people's welfare, rejecting all forms of discrimination and exclusion, facilitates development with equity and justice, and encourages the most comprehensive and full participation of their citizens in the decision-making process and in the debate over diverse issues affecting society;

14. *Requests* all States and the international community further to endeavour to promote effective measures to eradicate poverty and promote just, equitable and inclusive societies;

15. *Invites* all mechanisms of the Commission and the human rights treaty bodies to continue taking into account, in the discharge of their respective mandates, the question of strengthening popular participation, equity, social justice and non-discrimination as the foundations of democracy;

16. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to bring the present resolution to the attention of Member States, the relevant United Nations organs and intergovernmental and non-governmental organizations and to disseminate it on the widest possible basis;

17. *Decides* to continue its consideration of this issue at its sixtieth session, under the same agenda item.

57th meeting
23 April 2003
[Adopted by a recorded vote of 29 votes to 12,
with 12 abstentions. See chap. XI.]

2003/36. Interdependence between democracy and human rights

The Commission on Human Rights,

Recalling General Assembly resolution 55/96 of 4 December 2000, entitled "Promoting and consolidating democracy", as well as all its own relevant resolutions, in particular resolutions 1999/57 of 27 April 1999, entitled "Promotion of the right to democracy", 2000/47 of 25 April 2000, entitled "Promoting and consolidating democracy", 2001/41 of 23 April 2001, entitled "Continuing dialogue on measures to promote and consolidate democracy", and 2002/46 of 23 April 2002 entitled "Further measures to promote and consolidate democracy", *Recalling also* the universal validity of the values of freedom, respect for human rights and the principle of the holding of periodic and genuine elections by universal suffrage and by secret ballot which are embodied in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and various regional instruments for the promotion and protection of human rights,

Reaffirming commitments undertaken by Member States, within the framework of the United Nations and other international organizations, for the promotion of human rights, democracy and the rule of law,

Taking note of the Second Ministerial Conference of the Community of Democracies, held in Seoul from 10 to 12 November 2002, under the overall theme of "Democracy: investing for peace and prosperity", and the Seoul Plan of Action, which provides specific guidelines for the promotion, consolidation and protection of democracy worldwide, and of the Warsaw Declaration adopted by the Ministerial Conference entitled, "Towards a community of democracies", held in Warsaw on 27 and 27 June 2000, and noting the convening of the Fifth International Conference of New or Restored Democracies, to be held in Ulaanbataar, from 18 to 20 June 2003,

Noting the *Human Development Report 2002* issued by the United Nations Development Programme, which illustrates the close link between democracy and good governance on the one hand, and economic development and poverty alleviation, on the other hand,

Recognizing the need continuously to promote respect for democratic values and principles, and to improve the functioning of democratic institutions and mechanisms,

Recognizing also that the effective application of the rule of law and the fair administration of justice are vital to the good functioning of democracy,

Welcoming the expert seminar on the interdependence between democracy and human rights that took place on 25 and 26 November 2002 in Geneva,

Taking note of the chairperson's summary of key points emerging from the seminar,

Noting with interest the report of the United Nations High Commissioner for Human Rights on the expert seminar (E/CN.4/2003/59),

1. *Declares* that the essential elements of democracy include respect for human rights and fundamental freedoms, inter alia freedom of association, freedom of expression and opinion, and also include access to power and its exercise in accordance with the rule of law, the holding of periodic free and fair elections by universal suffrage and by secret ballot as the expression of the will of the people, a pluralistic system of political parties and organizations, the separation of powers, the independence of the judiciary, transparency and accountability in public administration, and free, independent and pluralistic media;

2. *Reaffirms* its conviction that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing; democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives;

3. *Also reaffirms* that democracy facilitates the progressive realization of all economic, social and cultural rights;

4. *Recognizes* the comprehensive nature of democracy as a system of governance that encompasses procedures and substance, formal institutions and informal processes, majorities and minorities, mechanisms and mentalities, laws and their enforcement, government and civil society;

5. *Stresses* the need for equal opportunities for men and women to participate in political and public life;

6. *Acknowledges* the role played by non-governmental organizations and civil society in promoting democracy;

7. *Notes* that international human rights instruments enshrine many of the principles, norms, standards and values of democracy and may guide the development of domestic democratic traditions and institutions;

8. *Acknowledges* that democracy is an always-perfectible process that should be measured by the degree to which its principles, norms, standards and values are given effect and contributes to the full realization of all human rights;

9. *Notes with satisfaction* that the progress, in many countries of the world, in building democratic societies has led to a better realization of civil, political, economic, social and cultural rights in those countries;

10. *Notes* that democratic processes are not always irreversible and that there is a constant need continuously to protect, promote and consolidate democracy;

11. *Calls* on national parliaments to make continuous efforts aimed at strengthening the rule of law and democratic institutions, as well as at implementing democratic principles and values, and encourages the Inter-Parliamentary Union actively to continue its contributions to that effect;

12. *Underlines* the need to further clarify basic concepts that define democracy and are of universal relevance and use;

13. *Calls upon* the Office of the United Nations High Commissioner for Human Rights:

(*a*) To pay increased attention to the work done with respect to the promotion and consolidation of democracy by the United Nations system, other regional and international intergovernmental organizations and relevant non-governmental organizations;

(*b*) To engage in coordination efforts with the Department of Political Affairs and the Department of Economic and Social Affairs of the Secretariat, the United Nations Development Programme and other relevant United Nations bodies that undertake activities aimed at promoting and consolidating democracy;

(*c*) To use the work of special procedures of the Commission in order to collect and analyse data on relevant cases where protection of human rights was served by democratic practices or where lack of democracy or setbacks in democratization processes triggered violations of human rights;

(*d*) To invite the views of various regional, subregional and other organizations and arrangements on the role they play in promoting and consolidating democracy, and to report to the Commission on the contributions resulting therefrom at its sixtieth session;

14. *Requests* the Office of the High Commissioner to prepare a compilation of documents or texts adopted and used by various intergovernmental, international, regional and subregional organizations aimed at promoting and consolidating democracy and to report to the Commission at its sixty-first session;

15. *Invites* all Governments, relevant intergovernmental organizations and interested non-governmental organizations to continue and deepen debates aimed at identifying ways and means to promote and consolidate democracy, in particular on issues identified by the expert seminar on the interdependence of democracy and human rights as being in need of further attention;

16. *Calls upon* the Office of the High Commissioner to organize to that purpose a second expert seminar, in 2004, to examine further the interdependence between democracy and human rights, with the topic of "Democracy and the rule of law", to be funded by voluntary contributions, and to include observers from interested Governments, experts of the United Nations specialized agencies, funds and programmes, other relevant intergovernmental organizations and interested non-governmental organizations;

17. *Requests* the Office of the High Commissioner to report on the conclusions of the expert seminar to the Commission at its sixty-first session;

18. *Decides* to continue consideration of the matter at its sixtieth session.

57th meeting
23 April 2003
[Adopted by a recorded vote of 36 votes to none,
with 17 abstentions. See chap. XI.]

2003/37. Human rights and terrorism

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nations and the International Covenants on Human Rights,

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations, as well as the Declaration on Measures to Eliminate International Terrorism, adopted by the General Assembly at its fiftieth and forty-ninth sessions, respectively, *Recalling also* the United Nations Millennium Declaration adopted by the General Assembly on 8 September 2000 at its fifty-fifth session,

Recalling further the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23),

Recalling all previous General Assembly resolutions on the issue of terrorism, including resolutions 46/51 of 9 December 1991, 48/122 of 20 December 1993, 49/185 of 23 December 1994, 50/186 of 22 December 1995, 52/133 of 12 December 1997 and 56/160 of 19 December 2001, as well as its own resolutions 2000/30 of 20 April 2000, 2001/37 of 23 April 2001 and 2002/35 of 22 April 2002,

Recalling also General Assembly resolutions 54/164 of 17 December 1999 and 54/110 of 9 December 1999, in which it decided that the Ad Hoc Committee established by Assembly resolution 51/210 of 17 December 1996 should continue to elaborate a draft international convention for the suppression of acts of nuclear terrorism with a view to completing the instrument, should address means of further developing a comprehensive legal framework of conventions dealing with international terrorism, including considering the elaboration of a comprehensive convention on international terrorism, and should address the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations,

Reaffirming the need for the implementation of General Assembly resolution 54/109 of 9 December 1999, in which the Assembly adopted the International Convention for the Suppression of the Financing of Terrorism,

Noting the importance of General Assembly resolution 55/158 of 12 December 2000, in which the Assembly stressed the need to strengthen further international cooperation between States and between international organizations and agencies, regional organizations and arrangements and the United Nations in order to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomever committed, in accordance with the principles of the Charter of the United Nations, international law and relevant international conventions,

Noting with great concern the growing connection between terrorist groups and other criminal organizations engaged in the illegal traffic in arms and drugs at the national and international levels, as well as the consequent commission of serious crimes, such as murder, extortion, kidnapping, assault, the taking of hostages and robbery,

Alarmed in particular at the possibility that the terrorist groups may exploit new technologies to facilitate acts of terrorism which may cause massive damage, including huge loss of human life,

Mindful that the Security Council adopted resolution 1373 (2001) of 28 September 2001, requiring States to adopt counter-terrorism measures, and resolution 1377 (2001) of 12 November 2001, by which it adopted a declaration on the global effort to combat terrorism, *Convinced* that terrorism, in all its forms and manifestations, wherever and by whomever committed, can never be justified in any instance, including as a means to promote and protect human rights,

Bearing in mind that the most essential and basic human right is the right to life,

Bearing in mind also that terrorism in all its forms and manifestations creates an environment that destroys the ideal of free human beings enjoying freedom from fear and want, and makes it difficult for States to promote and protect human rights and fundamental freedoms,

Bearing in mind further that terrorism in many cases poses a severe challenge to democracy, civil society and the rule of law,

Recalling in this regard the horrific events of 11 September 2001 in the United States of America, which led to the loss of the lives of several thousand civilians,

Reiterating that all States have an obligation to promote and protect all human rights and fundamental freedoms and to ensure effective implementation of their obligations under international humanitarian law,

Profoundly deploring the large number of civilians killed, massacred and maimed by terrorists in indiscriminate and random acts of violence and terror, which cannot be justified under any circumstances,

Emphasizing the need to intensify the fight against terrorism in all its forms and manifestations at the national level and to enhance effective international cooperation in combating terrorism in conformity with international law, including relevant State obligations under international human rights and international humanitarian law, and to strengthen the role of the United Nations in this respect,

Recognizing the need to improve international cooperation on criminal matters and national measures so as to address impunity, which can contribute to the continued occurrence of terrorism,

Emphasizing that States shall deny safe haven to those who finance, plan, support or commit terrorist acts, or provide safe havens,

Reaffirming that all measures to counter terrorism must be in strict conformity with international law, including international human rights standards and obligations,

Seriously concerned at the gross violations of human rights perpetrated by terrorist groups,

Stressing the growing consciousness of the international community of the negative effects of terrorism in all its forms and manifestations on the full enjoyment of human rights and fundamental freedoms and on the establishment of the rule of law and democratic freedoms as enshrined in the Charter of the United Nations and the International Covenants on Human Rights, *Noting* the initiatives introduced since its previous session on the question of human rights and terrorism at the international, intraregional and national levels, as shown by the commitment made by the Movement of Non-Aligned Countries to fight terrorism, as expressed by the XIII Conference of the Heads of State and Government of the Non-Aligned Movement, held in Kuala Lumpur in February 2003,

1. *Reiterates its unequivocal condemnation* of all acts, methods and practices of terrorism, regardless of their motivation, in all their forms and manifestations, wherever, whenever and by whomever committed, as acts aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States, destabilizing legitimately constituted Governments, undermining pluralistic civil society and the rule of law and having adverse consequences for the economic and social development of the State;

2. *Strongly condemns* the violations of the right to life, liberty and security;

3. *Expresses its solidarity* with the victims of terrorism;

4. *Condemns* incitement of ethnic hatred, violence and terrorism;

5. *Urges* States to fulfil their obligations under the Charter of the United Nations in strict conformity with international law, including human rights standards and obligations and international humanitarian law, to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever, whenever and by whomever committed, and calls upon States to strengthen, where appropriate, their legislation to combat terrorism in all its forms and manifestations;

6. *Strongly condemns* all terrorist acts on individual property, national monuments and historical relics;

7. *Urges* States to enhance cooperation at the regional and international levels in the fight against terrorism in all its forms and manifestations, in accordance with relevant international obligations under human rights instruments and international humanitarian law, with the aim of eliminating terrorism in all its forms and manifestations, and to further strengthen cooperation with a view to bringing terrorists to justice;

8. *Calls upon* States to take appropriate measures in conformity with the relevant provisions of national and international law, including international human rights standards, before granting refugee status, with the purpose of ensuring that the asylum-seeker has not planned, facilitated or participated in the commission of terrorist acts, and to ensure, in conformity with international law, that refugee status is not abused by the perpetrators, organizers or facilitators of terrorist acts and that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists;

9. *Urges* all relevant human rights mechanisms and procedures, as appropriate, to address the consequences of the acts, methods and practices of terrorist groups in their forthcoming reports to the Commission;

10. *Invites* the Office of the United Nations High Commissioner for Human Rights to respond to requests from interested Governments for assistance and advice on ensuring full compliance with international human rights standards and obligations when undertaking measures to combat terrorism;

11. *Welcomes* the report of the Secretary General (A/56/190), and invites him to continue to seek the views of Member States on the implications of terrorism in all its forms and manifestations for the full enjoyment of all human rights and fundamental freedoms and on how the needs and concerns of victims of terrorism might be addressed, including through the possible establishment of a voluntary fund for the victims of terrorism, as well as on ways and means to rehabilitate the victims of terrorism and to reintegrate them into society, with a view to incorporating his findings in his reports to the Commission and the General Assembly;

12. *Endorses* decision 2002/24 of 14 August 2002 of the Sub-Commission on the Promotion and Protection of Human Rights requesting the Secretary-General to give the Special Rapporteur on terrorism and human rights of the Sub-Commission all the assistance necessary in order to hold consultations with the competent services and bodies of the United Nations system, in particular those located in New York and Vienna, to complement and expand her essential research and to collect all the needed and up-to-date information and data for the preparation of her additional progress report;

13. *Requests* the Special Rapporteur to give attention in her next report on human rights and terrorism to the questions raised in the present resolution;

14. *Decides* to remain seized of the matter at its sixtieth session.

58th meeting
23 April 2003
[Adopted by a recorded vote of 30 votes to 12,
with 11 abstentions. See chap. XI.]

2003/38. Question of enforced or involuntary disappearances

The Commission on Human Rights,

Recalling its resolution 20 (XXXVI) of 29 February 1980, in which it decided to establish a working group consisting of five of its members, to serve as experts in their individual capacity, to examine questions relevant to enforced or involuntary disappearances, its resolution 1995/75 of 8 March 1995 on cooperation with representatives of United Nations human rights organs, and its resolutions 2001/46 of 23 April 2001 and 2002/41 of 23 April 2002,

Recalling also General Assembly resolution 47/133 of 18 December 1992, by which the Assembly adopted the Declaration on the Protection of All Persons from Enforced Disappearance as a body of principles for all States, and Assembly resolution 57/215 of 18 December 2002, *Recalling further* Economic and Social Council decision 2001/221 of 4 June 2001 in which the Council endorsed the decision of the Commission to establish an intersessional open-ended working group of the Commission, with the mandate to elaborate a draft legally binding normative instrument for the protection of all persons from enforced disappearance,

Deeply concerned in particular by the increase in enforced or involuntary disappearances in various regions of the world, including arrest, detention and abduction, when these are part of or amount to enforced disappearances, and by the growing number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of persons who have disappeared,

Emphasizing that impunity is simultaneously one of the underlying causes of enforced disappearances and one of the major obstacles to the elucidation of cases thereof and that there is a need for effective measures to combat the problem of impunity,

Acknowledging the fact that acts of enforced disappearance are crimes against humanity, as defined in the Rome Statute of the International Criminal Court (A/CONF.183/9),

1. *Takes note* of the report submitted by the Working Group on Enforced or Involuntary Disappearances (E/CN.4/2003/70 and Corr.1 and 2) pursuant to Commission resolution 2002/41;

2. *Stresses* the importance of the work of the Working Group and encourages it in the execution of its mandate:

(*a*) To continue to promote communication between families of disappeared persons and the Governments concerned with a view to ensuring that sufficiently documented and clearly identified individual cases are investigated and to ascertain whether such information falls under its mandate and contains the required elements;

(*b*) To continue to observe, in its humanitarian task, United Nations standards and practices regarding the handling of communications and the consideration of government replies;

(*c*) To continue to consider the question of impunity in the light of the relevant provisions of the Declaration on the Protection of All Persons from Enforced Disappearance and of the final reports submitted by the Special Rapporteur appointed by the Sub-Commission on the Promotion and Protection of Human Rights;

(*d*) To continue to pay particular attention to cases of children subjected to enforced disappearance and children of disappeared persons and to cooperate closely with the Governments concerned in searching for and identifying these children;

(*e*) To pay particular attention to cases transmitted to it that refer to ill-treatment, serious threatening or intimidation of witnesses of enforced or involuntary disappearances or relatives of disappeared persons;

(*f*) To pay particular attention to cases of disappearance of persons working for the promotion and protection of human rights and fundamental freedoms, wherever they occur, and to make appropriate recommendations for preventing such disappearances and improving the protection of such persons;

(*g*) To continue to apply a gender perspective in its reporting process, including in information collection and the formulation of recommendations;

(*h*) To provide appropriate assistance in the implementation by States of the Declaration and of the existing international rules;

(*i*) To continue its deliberations on its working methods and to include these aspects in its report to the Commission at its sixtieth session;

3. *Deplores* the fact that some Governments have never provided substantive replies concerning the cases of enforced disappearance in their countries or acted on the recommendations concerning them made in the reports of the Working Group;

4. *Urges* the Governments concerned:

(*a*) To cooperate with the Working Group and help it to carry out its mandate effectively, in particular by inviting it freely to visit their countries;

(*b*) To intensify their cooperation with the Working Group on any action taken pursuant to recommendations addressed to them by the Working Group;

(*c*) To take steps to protect witnesses of enforced or involuntary disappearances and the lawyers and families of disappeared persons against any intimidation or ill-treatment to which they might be subjected;

(*d*) That have long had many unresolved cases of disappearances, to continue their efforts to shed light on the fate of the individuals concerned and to set appropriate settlement machinery in train with the families of those individuals;

(*e*) To make provision in their legal systems for machinery for victims of enforced or involuntary disappearances or their families to seek fair and adequate reparation;

5. *Reminds* Governments:

(*a*) That, as proclaimed in article 2 of the Declaration on the Protection of All Persons from Enforced Disappearance, no State shall practise, permit or tolerate enforced disappearances;

(*b*) That all acts of enforced or involuntary disappearance are crimes punishable by appropriate penalties which should take due account of their extreme seriousness under penal law;

(*c*) That they should ensure that their competent authorities proceed immediately to conduct impartial inquiries in all circumstances where there is reason to believe that an enforced disappearance has occurred in territory under their jurisdiction;

(*d*) That, if such belief is borne out, all the perpetrators of enforced or involuntary disappearances must be prosecuted;

(*e*) That impunity is simultaneously one of the underlying causes of enforced disappearance and one of the major obstacles to the elucidation of cases thereof;

(*f*) That, as proclaimed in article 11 of the Declaration, all persons deprived of liberty must be released in a manner permitting reliable verification that they have actually been released and, further, have been released in conditions in which their physical integrity and ability fully to exercise their rights are assured;

6. *Expresses*:

(*a*) Its thanks to the many Governments that have cooperated with the Working Group and replied to its requests for information and to the Governments that have invited the Working Group to visit their countries, asks them to give all necessary attention to the Working Group's recommendations and invites them to inform the Working Group of any action they take on those recommendations;

(*b*) Its appreciation to the Governments that are investigating, have developed or are developing appropriate mechanisms to investigate any cases of enforced disappearance which are brought to their attention, and encourages all the Governments concerned to expand their efforts in this area;

7. *Invites* States to take legislative, administrative, legal and other steps, including when a state of emergency has been declared, to take action at the national and regional levels and in cooperation with the United Nations, if appropriate through technical assistance, and to provide the Working Group with concrete information on the measures taken and the obstacles encountered in preventing enforced or involuntary disappearances and in giving effect to the principles set forth in the Declaration;

8. *Takes note* of the assistance provided to the Working Group by non-governmental organizations and their activities in support of the implementation of the Declaration and invites those organizations to continue their cooperation;

9. *Acknowledges with great concern* the difficulties encountered by the Working Group in the accomplishment of its mandate and requests the Secretary-General:

(*a*) To ensure that the Working Group receives all the assistance and resources it requires to perform its function, including supporting the principles of the Declaration, carrying out and following up on missions and holding sessions in countries that are prepared to receive it;

(*b*) To provide the resources needed to update the database on cases of enforced disappearance;

(*c*) To keep the Working Group and the Commission regularly informed of the steps taken for the wide dissemination and promotion of the Declaration;

10. *Requests* the Working Group to report on its activities to the Commission at its sixtieth session;

11. *Takes note* of the report (E/CN.4/2002/71) presented by the independent expert charged with examining the existing international criminal and human rights framework for the protection of persons from enforced or involuntary disappearances to the intersessional working group with the mandate to elaborate a draft legally binding normative instrument for the protection of all persons from enforced disappearance, in accordance with Commission resolutions 2001/46 and 2002/41, as well as the contribution of the Chairperson-Rapporteur of the sessional working group on the administration of justice of the Sub-Commission on the Promotion and Protection of Human Rights to the work of the intersessional working group in her capacity as Rapporteur on the question of the draft international convention on the protection of all persons from enforced disappearance (transmitted by the Sub-Commission in its resolution 1998/25 of 26 August 1998;

12. *Also takes note* of the report of the Intersessional open-ended working group of the Commission to elaborate a draft legally binding normative instrument for the protection of all persons from enforced disappearance (E/CN.4/2003/71) and welcomes the substantial progress made during the first session of the Intersessional Working Group and, in that context, welcomes the participation of non-governmental organizations;

13. *Requests* the Intersessional Working Group to meet for a period of 10 working days before the sixtieth session of the Commission in order to continue its work, in accordance with Commission resolutions 2001/46 and 2002/41, and to report to the Commission at its sixtieth session;

14. *Requests* the Chairperson-Rapporteur of the Intersessional Working Group to undertake informal consultations with all interested parties in order to prepare the next session of the Intersessional Working Group;

15. *Requests* the United Nations High Commissioner for Human Rights to invite the experts mentioned in paragraph 11 above to participate in the activities of the working group;

16. *Decides* to consider this matter at its sixtieth session under the same agenda item.

58th meeting
23 April 2003
[Adopted without a vote. See chap. XI.]

2003/39. Integrity of the judicial system

The Commission on Human Rights,

Guided by articles 5, 7, 8, 10 and 11 of the Universal Declaration of Human Rights and articles 2, 4, 6, 7, 10, 14, 15 and 26 of the International Covenant on Civil and Political Rights, and bearing in mind the Vienna Declaration and Programme of Action (A/CONF.157/23),

Recalling other important documents on the issue of the integrity of the judiciary endorsed by various forums of the United Nations, in particular the Basic Principles on the Independence of the Judiciary, the Basic Principles on the Role of Lawyers, the Guidelines on the Role of Prosecutors, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, the Standard Minimum Rules for the Treatment of Prisoners, the Basic

Principles for the Treatment of Prisoners, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment and the safeguards guaranteeing protection of the rights of those facing the death penalty,

Recalling also its resolution 2002/37 of 22 April 2003 on the subject,

Convinced that the integrity of the judicial system is an essential prerequisite for the protection of human rights and for ensuring that there is no discrimination in the administration of justice,

Stressing that the integrity of the judicial system should be observed at all times,

1. *Reiterates* that every person is entitled, in full equality, to a fair and public hearing by a competent, independent and impartial tribunal established by law, in the determination of his/her rights and obligations and of any criminal charge against him/her;

2. *Also reiterates* that everyone has the right to be tried by ordinary courts or tribunals using established legal procedures and that tribunals that do not use such duly established procedures of the legal process shall not be created to displace the jurisdiction belonging to the ordinary courts or judicial tribunals;

3. *Further reiterates* that everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law;

4. *Stresses* the importance that everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he/she has had all the guarantees necessary for the defence;

5. *Urges* States to guarantee that all persons brought to trial before courts or tribunals under their authority have the right to be tried in their presence and to defend themselves in person or through legal assistance of their own choosing;

6. *Underlines* that any court trying a person charged with a criminal offence should be based on the principles of independence and impartiality;

7. *Calls upon* States to ensure the principle of equality before the courts and before the law are respected within their judicial systems, inter alia by providing to those being tried the possibility to examine, or to have examined, the witnesses against them and to obtain the attendance and examination of witnesses on their behalf under the same conditions as witnesses against them;

8. *Reaffirms* that every convicted person should have the right to have his/her conviction and sentence reviewed by a tribunal according to law;

9. *Calls upon* States that have military courts for trying criminal offenders to ensure that such courts are an integral part of the general judicial system and use the duly established legal proceedings;

10. *Stresses* the importance of developing cooperation between the national judicial systems, inter alia with a view to strengthening the protection of persons deprived of their liberty;

11. *Takes note* of the report of the Special Rapporteur on the independence of judges and lawyers (E/CN.4/2003/65 and Add.1-4) as well as of the report on the issue of the administration of justice through military tribunals (E/CN.4/Sub.2/2002/4) submitted by Mr. Louis Joinet to the Sub-Commission on the Promotion and Protection of Human Rights at its fifty-fourth session;

12. *Also takes note* of the efforts of the Special Rapporteur on the independence of judges and lawyers to make use of Commission resolution 2002/37 in his communications with States;

13. *Requests* the Special Rapporteur to take full account of the present resolution in the discharge of his mandate and in his report to the sixtieth session of the Commission.

58th meeting
23 April 2003
[Adopted by a recorded vote of 31 votes to 1,
with 21 abstentions. See chap. XI.]

2003/40. Hostage-taking

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person, freedom from torture or degrading treatment, freedom of movement and protection from arbitrary detention,

Recalling also the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23),

Taking into account the International Convention against the Taking of Hostages, adopted by the General Assembly in its resolution 34/146 of 17 December 1979, which also recognizes that everyone has the right to life, liberty and security of person and that the taking of hostages is an offence of grave concern to the international community, as well as the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly in its resolution 3166 (XXVIII) of 14 December 1973,

Bearing in mind the relevant Security Council resolutions condemning all acts of terrorism, including those of hostage-taking, in particular, resolution 1440 (2002) of 24 October 2002,

Mindful of the fact that hostage-taking constitutes a war crime under the Rome Statute of the International Criminal Court (A/CONF.183/9) and is also a grave breach of the Geneva Conventions of 12 August 1949 for the protection of victims of war, *Recalling* its previous resolutions on the subject, including its most recent resolution 2001/38 of 23 April 2001, in which it condemned the taking of any person as a hostage, as well as General Assembly resolution 57/220 of 18 December 2002 on the same subject,

Concerned that, despite the efforts of the international community, acts of hostage-taking in different forms and manifestations, inter alia those committed by terrorists and armed groups, continue to take place and have even increased in many regions of the world,

Appealing for the humanitarian action of humanitarian organizations, in particular of the International Committee of the Red Cross and its delegates, to be respected, in accordance with the Geneva Conventions of 12 August 1949 and the Additional Protocols of 1977 thereto,

Recognizing that hostage-taking calls for resolute, firm and concerted efforts on the part of the international community in order, in strict conformity with international human rights standards, to bring such abhorrent practices to an end,

1. *Reaffirms* that hostage-taking, wherever and by whomever committed, is a serious crime aimed at the destruction of human rights and is, under any circumstances, unjustifiable, including as a means to promote and protect human rights;

2. *Condemns* all acts of hostage-taking anywhere in the world;

3. *Demands* that all hostages be released immediately and without any preconditions, and expresses its solidarity with the victims of hostage-taking;

4. *Calls upon* States to take all necessary measures, in accordance with relevant provisions of international law and international human rights standards, to prevent, combat and punish acts of hostage-taking, including by strengthening international cooperation in this field;

5. *Urges* all thematic special rapporteurs and working groups to continue to address, as appropriate, the consequences of hostage-taking in their forthcoming reports to the Commission;

6. *Decides* to remain seized of this matter.

58th meeting
23 April 2003
[Adopted without a vote. See chap. XI.]

2003/41. The incompatibility between democracy and racism

The Commission on Human Rights,

Guided by the Universal Declaration of Human Rights, the Charter of the United Nations, the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, *Recalling* the commitment reached in the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23) concerning the elimination of racism, racial discrimination, xenophobia and related intolerance,

Recalling also its resolutions 2000/40 of 20 April 2000, 2001/43 of 23 April 2001 and 2002/39 of 23 April 2002,

Recalling the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12),

Mindful of the responsibility of Governments to ensure such equality as is established in the relevant international and regional human rights instruments, inter alia the Universal Declaration of Human Rights, the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination,

Reaffirming that acts of racial violence and discrimination do not constitute legitimate expressions of opinion, but rather are offences,

Remaining alarmed by the rise of racism, racial discrimination, xenophobia and related intolerance in political circles, in the sphere of public opinion and in society at large,

Recognizing the fundamental role of education and other active policies in the promotion of tolerance and respect for others and in the construction of pluralistic and inclusive societies,

1. *Remains convinced* that political platforms and organizations based on racism, xenophobia or doctrines of racial superiority and related discrimination must be condemned as incompatible with democracy and transparent and accountable governance;

2. *Condemns* legislation and practices based on racism, racial discrimination, xenophobia and related intolerance as incompatible with democracy and transparent and accountable governance;

3. *Reaffirms* that racism, racial discrimination, xenophobia and related intolerance condoned by governmental policies violate human rights and may endanger friendly relations among peoples, cooperation among nations, international peace and security and the harmony of persons living side by side within one and the same State;

4. *Also reaffirms* that any form of impunity condoned by public authorities for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy and tends to encourage the recurrence of such acts;

5. *Condemns* the persistence and resurgence of neo-Nazism, neo-fascism and violent nationalist ideologies based on racial or national prejudice, and states that these phenomena can never be justified in any instance or in any circumstances;

6. *Urges* States to reinforce their commitment to promote tolerance and human rights and to fight against racism, racial discrimination, xenophobia and related intolerance as a way to strengthen democracy, the rule of law and transparent and accountable governance, and in that regard recommends measures such as introducing or reinforcing human rights education in schools and in institutions of higher education;

7. *Underlines* the key role that political leaders and political parties can and ought to play in strengthening democracy by combating racism, racial discrimination, xenophobia and related intolerance and encourages political parties to take concrete steps to promote solidarity, tolerance and respect;

8. *Invites* the mechanisms of the Commission and the treaty bodies to continue to pay particular attention to violations of human rights stemming from the rise of racism and xenophobia in political circles and society at large, especially as regards their incompatibility with democracy;

9. *Takes note* of the report of the United Nations High Commissioner for Human Rights (E/CN.4/2003/62 and Add.1);

10. *Also takes note* of the outcome of the expert seminar on the interdependence between democracy and human rights held by the Office of the High Commissioner for Human Rights in Geneva in November 2002 (E/CN.4/2003/59, chap. VII);

11. *Invites* the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to update and expand the study on the issue of political platforms which promote or incite racial discrimination (A/CONF.189/PC.2/21 and Corr.1 and 2) and to submit it to the Commission at its sixtieth session;

12. *Decides* to continue consideration of the matter at its sixtieth session under the same agenda item.

58th meeting
23 April 2003
[Adopted without a vote. See chap. XI.]

2003/42. The right to freedom of opinion and expression

The Commission on Human Rights,

Guided by the Universal Declaration of Human Rights, which affirms the right to freedom of opinion and expression and mindful of the International Covenant on Civil and Political Rights, which reaffirms, in article 19, the right of everyone to hold opinions without interference, as well as the right to freedom of expression, including the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of their choice and noting that these rights and freedoms are among those which give meaning to the right to participate effectively in a free and democratic society, *Considering* that the effective promotion and protection of the human rights of persons who exercise the right to freedom of opinion and expression are of fundamental importance to the safeguarding of human dignity,

Noting that restrictions on the exercise of the right to freedom of opinion and expression could indicate a deterioration in the protection, respect for and enjoyment of other human rights and freedoms, bearing in mind that all human rights are universal, indivisible and interdependent and interrelated,

Mindful of the need to ensure that unjustified invocation of national security, including counter-terrorism, to restrict the right to freedom of expression and information does not take place,

Recalling the Johannesburg Principles on National Security, Freedom of Expression and Access to Information adopted by a group of experts meeting in South Africa on 1 October 1995 (E/CN.4/1996/39, annex), as well as the Principles on Freedom of Information Legislation (The Public's Right to Know) (E/CN.4/2000/63, annex II),

Reaffirming the need to raise awareness about all aspects of the interrelationship between the use and availability of new media of communication, including modern telecommunications technology, and the right to freedom of expression and information, and noting the efforts made in this regard in a number of international and regional forums, and mindful of provisions of relevant instruments,

Reaffirming the important role of women in the prevention and resolution of conflicts and in peace-building, stressing the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and recognizing that their contributions to these efforts are often constrained by the lack of full and effective enjoyment of their right to freedom of expression,

1. *Reaffirms* the rights contained in the International Covenant on Civil and Political Rights;

2. *Takes note* of the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (E/CN.4/2003/67 and Add.1 and 2) and welcomes in particular his ongoing and increasing cooperation with other mechanisms and with other organizations, and his efforts to promote respect for the right to freedom of opinion and expression;

3. *Expresses its continuing concern* at:

(*a*) The extensive occurrence of detention, extrajudicial killing, torture, intimidation, persecution and harassment, abuse of legal provisions on defamation and criminal libel as well as on surveillance, search and seizure, and censorship, threats and acts of violence and of discrimination, often undertaken with impunity, against persons, including professionals in the field of information, who exercise the right to freedom of opinion and expression, including the right to seek, receive and impart information, and the intrinsically linked rights to freedom of thought, conscience and religion, peaceful assembly and association and the right to take part in the conduct of public affairs, as well as at persons who seek to promote or defend these rights and freedoms, including legal professionals and human rights defenders;

(*b*) The number of cases in which the violations referred to in paragraph 3 (*a*) above are facilitated and aggravated by several factors such as abuse of states of emergency, exercise of the powers specific to states of emergency without formal declaration and too vague a definition of offences against State security;

(*c*) Killings of and attacks particularly directed against journalists in situations of armed conflict, as well as other threats and acts of violence, including terrorist acts, directed against media professionals;

(*d*) The lack of full and effective enjoyment of the right to freedom of expression by women, which contributes to inadequate action by Governments in the integration of the human rights of women into the mainstream of their human rights activities;

(*e*) High rates of illiteracy continuing to exist in the world, especially among women, and reaffirms that education is an integral component of the full and effective participation of persons in a free and democratic society, in particular for the full enjoyment of the right to freedom of opinion and expression;

4. *Calls upon* States:

(*a*) To ensure respect and support for the rights referred to in paragraph 3 (*a*) above, to put an end to the violations referred to in the same paragraph and to bring to justice those responsible;

(*b*) Where any persons have been detained and subjected to violence or threats of violence or to harassment, including persecution and intimidation, even after their release from detention, for exercising the rights referred to in paragraph 3 (*a*), to take the appropriate steps to ensure the immediate cessation of these acts and to create conditions under which these acts may be less liable to occur, including by ensuring that relevant national legislation complies with their international human rights obligations and is effectively implemented;

5. *Stresses* the importance of a diversity of sources of information, including mass media, at all levels, and the importance of the free flow of information, as a way to promote full enjoyment of the right to freedom of opinion and expression, and encourages the facilitation of access to the Internet, as well as international cooperation aimed at the development of media and information and communication facilities in all countries;

6. *Urges* all States:

(*a*) To respect freedom of expression in the media and broadcasting, and in particular, to respect the editorial independence of the media, and to encourage a diversity of ownership of media and of sources of information, including through transparent licensing systems and effective regulations on undue concentration of ownership of the media in the private sector;

(*b*) To create and permit an enabling environment in which training and professional development of the media can be organized in order to promote and protect the right to freedom of opinion and expression and can be carried out without threat of legal, criminal or administrative sanction by the State;

(*c*) To refrain from the use of imprisonment or the imposition of fines for offences relating to the media which are disproportionate to the gravity of the offence and which violate international human rights law;

(*d*) To take all measures to investigate all threats and acts of violence, including terrorist acts, against journalists, including in situations of armed conflict, and bring to justice perpetrators of such acts;

(*e*) To refrain from using counter-terrorism as a pretext to restrict the right to freedom of expression in ways which are contrary to their obligations under international law;

7. *Calls upon* all States to respect all human rights and fundamental freedoms and calls on all parties to armed conflict to respect international humanitarian law, including their obligations under the Geneva Conventions of 12 August 1949 for the protection of victims of war and the two Additional Protocols thereto of 8 June 1977, whose provisions extend protection to journalists in situations of armed conflict;

8. *Recalls* that the International Covenant on Civil and Political Rights states that the exercise of the right to freedom of expression carries with it special duties and responsibilities and may therefore be subject to certain restrictions as set out in article 19 of the Covenant, and encourages States to review their procedures and legislation to ensure that any limitations on the right to freedom of expression are only such as are provided by law and are necessary for the respect of the rights and reputations of others, or for the protection of national security or of public order (*ordre public*) or of public health or morals;

9. *Calls upon* States to refrain from imposing restrictions which are not consistent with the provisions of article 19, paragraph 3, of the International Covenant on Civil and Political Rights, including on:

(*a*) Discussion of government policies and political debate, reporting on human rights, government activities and corruption in government, engaging in peaceful demonstrations or political activities, including for peace and democracy, or expression of opinion and dissent, religion or belief;

(*b*) The free flow of information and ideas, including practices such as the unjustifiable banning or closing of publications or other media and the abuse of administrative measures and censorship;

(*c*) Access to or use of modern telecommunications technologies, including radio, television and the Internet;

(*d*) Journalists in situations of armed conflict;

10. *Urges* Governments to implement effective measures to eliminate the atmosphere of fear which often prevents women who have been victims or who are living in fear of violence, either in domestic or community settings or as a result of armed conflict, from communicating freely on their own behalf or through intermediaries and to facilitate the effective participation of women at decision-making levels in national, regional and international institutions, including in mechanisms for the prevention, management and resolution of conflicts;

11. *Recognizes* the positive contribution that the exercise of the right to freedom of expression, particularly by the media, and new technologies, including the Internet, and full respect for the freedom to seek, receive and impart information, can make to the fight against racism, racial discrimination, xenophobia and related intolerance, but expresses regret about the promotion by certain media of false images and negative stereotypes of vulnerable individuals or groups of individuals, and about the use of new information technologies such as the Internet for purposes contrary to respect for human values;

12. *Appeals* to all States to ensure that persons seeking to exercise these rights and freedoms are not discriminated against, particularly in such areas as employment, housing, social services, and education, and in this context to pay particular attention to the situation of women;

13. *Expresses its appreciation* to States which submitted to the Special Rapporteur comments on their programmes and policies with respect to access to information for the purposes of education on and prevention of human immunodeficiency virus (HIV) infection, and notes with interest the compilation of best practices prepared by the Special Rapporteur;

14. *Stresses* that the effective exercise of the right to freedom of opinion and expression, including the right to seek, receive and impart information, is of the utmost importance for ensuring effective education and information campaigns to prevent human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS), urges Governments to adopt and implement policies and programmes to promote awareness of and disseminate information and education on prevention and treatment of HIV/AIDS, through all appropriate means, including the media, and targeting specific vulnerable groups;

15. *Invites once again* the working groups, representatives and special rapporteurs of the Commission to pay attention, within the framework of their mandates, to the situation of persons detained, subjected to violence, ill-treated, intimidated or discriminated against for having exercised the right to freedom of opinion and expression;

16. *Appeals* to all States to cooperate fully with and assist the Special Rapporteur in the performance of his tasks and to provide all information necessary in order to permit him fully to carry out his mandate, including giving serious consideration to requests from the Special Rapporteur for in-country visits, to follow up communications received and to consider implementing relevant recommendations of the Special Rapporteur;

17. *Invites* the Special Rapporteur, within the framework of his mandate:

(*a*) To draw the attention of the United Nations High Commissioner for Human Rights to those situations and cases regarding the right to freedom of opinion and expression which are of particularly serious concern, and encourages the High Commissioner, within his mandate, to take into account reports in this regard in the context of his activities to promote and protect human rights with a view to preventing the occurrence and recurrence of human rights violations;

(*b*) In cooperation with the Special Rapporteur on violence against women, its causes and consequences, to continue to pay particular attention to the situation of women and the relationship between the effective promotion and protection of the right to freedom of opinion and expression and incidents of discrimination based on sex, creating obstacles for women with regard to their right to seek, receive and impart information, to consider how these obstacles impede the ability of women to make informed choices in areas of particular importance to them, as well as in areas related to the general decision-making processes in the societies in which they live and to consider joint reports with the Special Rapporteur on violence against women;

(*c*) With a view to promoting greater efficiency and effectiveness, as well as enhancing his access to the information necessary for him to fulfil his duties, to continue his efforts to cooperate with other special rapporteurs, special representatives, independent experts, working groups, other United Nations mechanisms and procedures in the field of human rights, specialized agencies, including the United Nations Educational, Scientific and Cultural Organization, and regional intergovernmental organizations and their mechanisms and further to develop and extend his network of relevant non-governmental organizations, particularly at the local level, with a view to ensuring that he has the full benefit of all pertinent information from such non-governmental organizations;

(*d*) To consider approaches taken to access to information with a view to sharing best practices;

(*e*) To continue to provide his views, when appropriate, on the advantages and challenges of new information and communication technologies, including the Internet, for the exercise of the right to freedom of opinion and expression, including the right to seek, receive and impart information and the relevance of a wide diversity of sources, as well as access to the information society for all;

(*f*) To continue to seek the views and comments of the Governments and others concerned in the elaboration of his report, as well as to continue to carry out his work with discretion and independence;

(*g*) To seek to participate in the World Summit on the Information Society to provide information and expertise on matters relating to the right to freedom of opinion and expression;

18. *Expresses once again its concern* at the inadequate resources, both human and material, provided to the Special Rapporteur and accordingly reiterates its request to the Secretary-General to provide the assistance necessary to the Special Rapporteur to fulfil his mandate effectively, in particular by placing adequate human and material resources at his disposal, including for the translation and dissemination of his reports;

19. *Requests* the Special Rapporteur to submit to the Commission at its sixtieth session a report covering activities relating to his mandate, including the issue of security and protection of media professionals, and decides to continue its consideration of this question at that session.

59th meeting
23 April 2003
[Adopted without a vote. See chap. XI.]

2003/43. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

The Commission on Human Rights,

Guided by articles 7, 8, 10 and 11 of the Universal Declaration of Human Rights and articles 2, 14 and 26 of the International Covenant on Civil and Political Rights, and bearing in mind the Vienna Declaration and Programme of Action (A/CONF.157/23), in particular Part I, paragraph 27, and Part II, paragraphs 88, 90 and 95, thereof,

Convinced that an independent and impartial judiciary and an independent legal profession are essential prerequisites for the protection of human rights and for ensuring that there is no discrimination in the administration of justice,

Recalling its resolution 1994/41 of 4 March 1994, in which it requested the Chairman of the Commission to appoint, for a period of three years, a special rapporteur on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers, and its resolution 2000/42 of 20 April 2000, in which it decided to extend the mandate of the Special Rapporteur for a further period of three years,

Recalling also its resolution 1995/36 of 3 March 1995, in which it endorsed the decision of the Special Rapporteur to use, beginning in 1995, the short title "Special Rapporteur on the independence of judges and lawyers",

Recalling further General Assembly resolution 40/32 of 29 November 1985, as well as Assembly resolution 40/146 of 13 December 1985, in which it endorsed the Basic Principles on the Independence of the Judiciary, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Recalling General Assembly resolution 45/166 of 18 December 1990, in which the Assembly welcomed the Basic Principles on the Role of Lawyers and the Guidelines on the Role of Prosecutors, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and invited Governments to respect them and to take them into account within the framework of their national legislation and practice,

Noting the Bangalore Principles of Judicial Conduct (E/CN.4/2003/65, annex) adopted at the Round Table Meeting of Chief Justices held in The Hague on 25 and 26 November 2002 and bringing those principles to the attention of Member States, relevant United Nations organs and intergovernmental and non-governmental organizations for their consideration, *Recalling* the recommendations adopted by the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders regarding, among other things, the invitation addressed to Member States to ensure the independence and impartiality of the judiciary and the proper functioning of prosecutorial and legal services in the field of penal justice and police affairs, taking into account the Basic Principles on the Independence of the Judiciary,

Recalling also the Statement of Principles on the Independence of the Judiciary adopted in Beijing in August 1995 by the Sixth Conference of Chief Justices of Asia and the Pacific, and the Cairo Declaration, adopted in November 1995 by the Third Conference of Francophone Ministers of Justice,

Acknowledging the importance for the Special Rapporteur of being able to cooperate closely, in the framework of his mandate, with the Office of the United Nations High Commissioner for Human Rights in the field of advisory services and technical cooperation, which could contribute to guaranteeing the independence of judges and lawyers,

Recognizing the importance of the role of non-governmental organizations, bar associations and professional associations of judges in the defence of the principles of the independence of lawyers and judges,

Noting with concern the increasingly frequent attacks on their independence suffered by judges, lawyers and court officers, and aware of the close link between the weakening of safeguards for judges, lawyers and court officers and the frequency and gravity of violations of human rights,

1. *Takes note* of the report of the Special Rapporteur on the independence of judges and lawyers on the activities relating to his mandate (E/CN.4/2003/65 and Add.1-4);

2. *Notes* the Special Rapporteur's concern that the situation of the independence of the judiciary, which is the bedrock of the rule of law, remains delicate in many parts of the world;

3. *Also notes* the cooperative working methods that the Special Rapporteur has adopted to draw up his report and implement his mandate, as described in Commission resolution 1994/41;

4. *Welcomes* the numerous exchanges the Special Rapporteur has had with several intergovernmental and international organizations and United Nations bodies, and encourages him to continue along this path;

5. *Appreciates* the efforts in the work accomplished by the outgoing Special Rapporteur in carrying out his mandate;

6. *Notes with appreciation* the determination of the Special Rapporteur to achieve as wide dissemination as possible of information about existing standards relating to the

independence and impartiality of the judiciary and the independence of the legal profession in conjunction with the publications and promotional activities of the Office of the High Commissioner;

7. *Invites* the United Nations High Commissioner for Human Rights to continue to provide technical assistance to train judges and lawyers;

8. *Welcomes* the completion of the training manual for judges and lawyers in the context of the United Nations Decade for Human Rights Education;

9. *Urges* all Governments to assist the Special Rapporteur in the discharge of his mandate and to transmit to him all the information requested;

10. *Encourages* Governments that face difficulties in guaranteeing the independence of judges and lawyers, or that are determined to take measures to implement these principles further, to consult and to consider the services of the Special Rapporteur, for instance by inviting him to their country if the Government concerned deems it necessary;

11. *Requests* the Special Rapporteur to submit a report on the activities relating to his mandate to the Commission at its sixtieth session and decides to consider this question at that session;

12. *Requests* the Secretary-General, within the limits of the United Nations regular budget, to provide the Special Rapporteur with any assistance needed for the discharge of his mandate;

13. *Decides* to extend the mandate of the Special Rapporteur on the independence of judges and lawyers for a further three years;

14. *Recommends* the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 13.]

59th meeting
23 April 2003
[Adopted without a vote. See chap. XI.]

2003/44. Integrating the human rights of women throughout the United Nations system

The Commission on Human Rights,

Reaffirming that the equal rights of women and men are enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights instruments,

Recalling all previous resolutions on this subject, *Recalling also* the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), which affirms that the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights and calls for action to integrate the equal status and human rights of women into the mainstream of United Nations activity system-wide,

Welcoming the increased integration of a gender perspective into the work of all entities of the United Nations and the major United Nations conferences, special sessions and summits and their follow-up processes, such as the twenty-sixth special session of the General Assembly on human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the World Summit on Sustainable Development,

Welcoming the commitment of the Commission on the Status of Women at its forty-seventh session to improving the situation of women, in particular by recognizing the need to raise awareness of the responsibility and role of the media and information and communications technologies in empowering women and in eliminating all forms of discrimination against women,

Recalling the United Nations Millennium Declaration, in particular its call for the promotion of gender equality and the empowerment of women as effective ways to combat poverty, hunger and disease and to stimulate development that is truly sustainable,

Acknowledging the need to integrate further a gender perspective into all aspects of the work of the United Nations system, including the treaty bodies, the Commission on Human Rights, the Sub-Commission on the Promotion and Protection of Human Rights and all other subsidiary mechanisms,

Also acknowledging the need for a comprehensive and integrated approach to the promotion and protection of the human rights of women, which includes the integration of the human rights of women into the mainstream of United Nations activities system-wide,

Bearing in mind that the Fourth World Conference on Women, held in Beijing in September 1995, in its Platform for Action (A/CONF.177/20/Rev.1, chap. I, resolution 1, annex II), and the General Assembly, in the outcome document of its twenty-third special session, entitled "Women 2000: gender equality, development and peace for the twenty-first century", called upon all relevant organs, bodies and agencies of the United Nations system, all human rights bodies of the United Nations system, as well as the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees, to give full, equal and sustained attention to the human rights of women in the exercise of their respective mandates,

Reaffirming the need to implement fully international humanitarian and human rights law in order to protect fully the human rights of women and girls,

Recalling the initiative of the Committee on Economic, Social and Cultural Rights to develop a general comment on article 3 of the International Covenant on Economic, Social and Cultural Rights regarding the equal right of women and men to the enjoyment of all economic, social and cultural rights set forth in the Covenant, *Emphasizing* the pivotal role of the Commission on the Status of Women in promoting equality between women and men and welcoming its agreed conclusions over the years on the human rights of women and on the other critical areas of concern of the Platform for Action,

Recalling the entry into force on 22 December 2000 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women on 22 December 2000,

Welcoming General Assembly resolution 57/180 of 18 December 2002 on improvement of the status of women in the United Nations system,

Reaffirming the important role that women's groups and non-governmental organizations play in promoting and protecting the human rights of women,

1. *Welcomes* the report of the Secretary-General (E/CN.4/2003/72);

2. *Emphasizes* that the goal of mainstreaming a gender perspective is to achieve gender equality and that this includes ensuring that all United Nations activities, including United Nations conferences, special sessions and summits, integrate the human rights of women;

3. *Recognizes* the importance of examining the intersection of multiple forms of discrimination, including their root causes, from a gender perspective, and their impact on the advancement of women and the enjoyment by women of their human rights, in order to develop and implement strategies, policies and programmes aimed at the elimination of all forms of discrimination against women and to increase the role that women play in the design, implementation and monitoring of gender-sensitive anti-discrimination policies;

4. *Invites* the Economic and Social Council to continue to give attention to the implementation of its agreed conclusions 1997/2 on mainstreaming the gender perspective into all policies and programmes of the United Nations system and 1998/2 related to the coordinated follow-up and implementation of the Vienna Declaration and Programme of Action, in particular Part II, section B.3 on the equal status and human rights of women, inter alia through the conference reviews, in the promotion of an integrated and coordinated implementation of and follow-up to major United Nations conferences and summits in the economic, social and related fields;

5. *Invites* the Secretary-General to bring the present resolution to the attention of the World Summit on the Information Society, to be held in Geneva in December 2003 and in Tunis in 2005, in order to stress the need for integrating a gender perspective into the outcome of the World Summit;

6. *Recalls* the decision of the Economic and Social Council, in its resolution 2001/41 of 26 July 2001, to include a regular sub-item on gender mainstreaming in its substantive session and invites the Council to devote the coordination segment of its substantive session of 2004 to the review and appraisal of the system-wide implementation of agreed conclusions 1997/2, adopted by the Council on 18 July 1997;

7. *Encourages* the continued commitment of the United Nations High Commissioner for Human Rights to integrating the human rights of women throughout the United Nations system, including through continued cooperation with the Special Adviser on Gender Issues and Advancement of Women and the Division for the Advancement of Women;

8. *Also encourages* the continued commitment of the High Commissioner to raise awareness and promote the implementation of the Convention on the Elimination of All Forms of Discrimination against Women, and welcomes his nomination of a Senior Adviser on gender issues;

9. *Welcomes* the continued cooperation between the Commission on the Status of Women and the Commission on Human Rights, including through joint bureau meetings and the participation of the Chair of the Commission on the Status of Women in the work of the Commission on Human Rights and, similarly, the participation of the Chair of the Commission on Human Rights in the sessions of the Commission on the Status of Women, and encourages the continuation of this reciprocal collaboration;

10. *Also welcomes* the cooperation and coordination between the Division for the Advancement of Women and the Office of the United Nations High Commissioner for Human Rights aimed at mainstreaming the human rights of women, including through their joint work plan;

11. *Further welcomes* the report of the Secretary-General on the joint work plan for the year 2003 of the Office of the Special Adviser on Gender Issues and Advancement of Women, the Division for the Advancement of Women and the Office of the High Commissioner (E/CN.4/2003/73-E/CN.6/2003/5), in particular the continued cooperation in the creation of a multi-media training package on international human rights instruments, starting with the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, and recalls the proposal to convene a meeting of national human rights institutions, national machineries for the advancement of women and the Committee on the Elimination of Discrimination against Women to discuss strategies to address the elimination of sex discrimination;

12. *Encourages* the Secretary-General to ensure implementation of the joint work plan, to continue to elaborate this plan, reflecting all aspects of work under way and the lessons learned, to identify obstacles/impediments and areas for further collaboration, and to make it available to the Commission on Human Rights at its sixtieth session and to the Commission on the Status of Women at its forty-eighth session;

13. *Urges* the relevant organs, bodies and agencies of the United Nations system, including all human rights bodies, the Office of the High Commissioner for Human Rights and the Office of the United Nations High Commissioner for Refugees, to bear in mind, in the recruitment of staff, including for peacekeeping operations and humanitarian and human rights missions, the need for expertise in the enjoyment by women and girls of human rights;

14. *Emphasizes* the need for further activities in the United Nations system to strengthen expertise concerning the equal status and human rights of women through, inter alia, the provision of training on the human rights of women and on gender mainstreaming, including through gender impact analysis, to all United Nations personnel and officials at Headquarters and in the field, especially in field operations;

15. *Recognizes* the importance of the participation of women at all levels of decision-making, including at the higher levels within the United Nations system, for the achievement of gender equality and the realization of the human rights of women, and in this regard strongly encourages Member States to promote gender balance by, inter alia, regularly nominating more women candidates for election to the human rights treaty bodies and for appointment to United Nations bodies, including international courts and tribunals, the specialized agencies and other organs, and calls upon all relevant actors to implement General Assembly resolution 57/180 on improvement of the status of women in the United Nations system;

16. *Encourages* United Nations bodies and agencies to increase cooperation with other organizations in developing activities to address, within their respective mandates, violations of the human rights of women and to promote the full enjoyment of all human rights and fundamental freedoms by women;

17. *Encourages* the Special Rapporteur on violence against women, its causes and consequences, with a view to promoting greater efficiency and effectiveness, as well as enhancing her access to the information necessary to fulfil her duties, to continue to cooperate with regional intergovernmental organizations and any of their mechanisms engaged in the promotion of human rights of women;

18. *Requests* all special procedures and other human rights mechanisms of the Commission on Human Rights and the Sub-Commission for the Promotion and Protection of Human Rights, and invites human rights treaty bodies regularly and systematically to integrate a gender perspective into the implementation of their mandates and to include in their reports information on and qualitative analysis of human rights of women and girls, and encourages the strengthening of cooperation and coordination between these procedures and mechanisms;

19. *Encourages* States to give particular consideration to the general comments of the treaty bodies that relate to the enjoyment by women of their human rights;

20. *Notes with appreciation* the request made by the Economic and Social Council in its agreed conclusions 1998/2 that the Commission make explicit the integration of a gender perspective when establishing or renewing human rights mandates;

21. *Urges* the use of gender-inclusive language in the formulation, interpretation and application of human rights instruments, as well as in reports, resolutions and/or decisions of the Commission, the Sub-Commission and the various human rights mechanisms, and requests the Office of the United Nations High Commissioner for Human Rights to utilize gender-inclusive language in the preparation of all of its communications, reports and publications, and to work with the United Nations conference services to ensure gender-inclusive language and interpretation in the proceedings of the Office;

22. *Encourages* the efforts of the treaty bodies to monitor more effectively the human rights of women in their activities, bearing in mind the workshops on gender integration, and reaffirms that it is the responsibility of all treaty bodies, in their work, to integrate a gender perspective, bearing in mind also the need:

(*a*) To develop gender-sensitive guidelines to be used in the review of reports of States parties;

(*b*) To develop, as a matter of priority, a common strategy towards mainstreaming the human rights of women into their work, so that each body, within its mandate, monitors the human rights of women;

(*c*) To incorporate a gender analysis and to exchange information regularly in the development of general comments and recommendations, with a view to the preparation of general comments which reflect a gender perspective;

(*d*) To incorporate a gender perspective in concluding observations so that the concluding observations of each treaty body delineate the strengths and weaknesses of each State party insofar as enjoyment by women of the rights guaranteed by a particular treaty is concerned;

23. *Encourages* all entities charged with the promotion and protection of human rights, especially United Nations human rights bodies and mechanisms, to identify, collect and use sex-disaggregated data and gender-specific information in their activities and to apply gender analysis in monitoring and reporting;

24. *Welcomes* the submission of reports by specialized agencies, at the invitation of the Committee on the Elimination of Discrimination against Women, on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women in areas falling within the scope of their activities and the contribution of non-governmental organizations to the work of the Committee;

25. *Encourages* all entities of the United Nations system to pay systematic, increased and sustained attention to the recommendations of the Committee, in order to ensure that its concluding observations and general recommendations are better utilized in their respective work;

26. *Reminds* Governments that their obligations under the Convention on the Elimination of All Forms of Discrimination against Women must be implemented fully and reaffirms their commitment to accelerate the achievement of universal ratification of the Convention, urges all States that have not yet ratified or acceded to the Convention to consider, as a matter of priority, doing so, and urges States parties to consider signing and ratifying the Optional Protocol to the Convention;

27. *Urges* States to limit the extent of any reservations to the Convention, to formulate any such reservations as precisely and as narrowly as possible, to ensure that no reservations are incompatible with the object and purpose of the Convention and regularly to review them with a view to withdrawing them, and to withdraw reservations that are contrary to the object and purpose of the Convention;

28. *Urges* States that have ratified or acceded to the Convention to take action to implement the Convention fully, inter alia through national legislation, policies and practice, and to take account of the recommendations of the Committee on the Elimination of Discrimination against Women in this regard;

29. *Encourages* all relevant entities of the United Nations system, within their mandates, as well as Governments and intergovernmental and non-governmental organizations, in particular women's organizations, as appropriate, to continue to assist States parties, upon the request of those States, in implementing the Convention;

30. *Also encourages* all relevant entities of the United Nations system to continue to build women's knowledge and understanding of and capacity to utilize human rights instruments, in particular the Convention and the Optional Protocol thereto;

31. *Notes* the first resolution on women and peace and security adopted by the Security Council, resolution 1325 (2000) of 31 October 2000, which, inter alia, calls on actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective, including, inter alia, measures that ensure the protection of and respect for the human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary;

32. *Welcomes* the study of the Secretary-General on women, peace and security issued in its report (S/2002/1154) submitted pursuant to Security Council resolution 1325 (2000), and the recent study of the United Nations Development Fund for Women, entitled *Women, War and Peace: The Independent Experts' Assessment of the Impact of Armed Conflict on Women and Women's Role in Peace-Building;*

33. *Recognizes* the important role of women in the prevention and resolution of conflicts and in peace-building, the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security and the need to increase their role in decision-making with regard to conflict prevention and resolution, and urges the United Nations system and Governments to make further efforts in this regard and to take steps to ensure and support the full participation of women at all levels of decision-making and implementation in development activities and peace processes, including conflict prevention and resolution, post-conflict reconstruction, peacemaking, peacekeeping and peace-building, as well as through the integration of a gender perspective into those United Nations processes;

34. *Welcomes* the 1999 Inter-Agency Standing Committee policy statement for the integration of a gender perspective in humanitarian assistance, and requests the Secretary-General to provide information on the status of implementation and impact of that policy statement;

35. *Requests* the Secretary-General to report, at its sixtieth session, on the implementation of the present resolution including analysing the degree to which the promotion and protection of human rights of women are being integrated into the United Nations system, the work of the Commission and its subsidiary bodies, identifying obstacles and challenges to implementation of the resolution, to make concrete, comprehensive recommendations for action

by States and/or by the United Nations system and to bring the report to the attention of the relevant organs, bodies and agencies of the United Nations system, including all human rights bodies;

36. *Decides* to integrate a gender perspective into all of its agenda items;

37. *Also decides* to continue its consideration of the question at its sixtieth session.

59th meeting
23 April 2003
[Adopted without a vote. See chap. XII.]

2003/45. Elimination of violence against women

The Commission on Human Rights,

Reaffirming that discrimination on the basis of sex is contrary to the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights instruments, and that its elimination is an integral part of efforts towards the elimination of violence against women,

Reaffirming the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23) and the Declaration on the Elimination of Violence against Women adopted by the General Assembly in its resolution 48/104 of 20 December 1993,

Recalling all its previous resolutions on the elimination of violence against women, in particular its resolution 1994/45 of 4 March 1994, in which it decided to appoint a special rapporteur on violence against women, its causes and consequences,

Noting all General Assembly resolutions relevant to elimination of violence against women,

Recalling the Beijing Declaration and Platform for Action adopted in September 1995 by the Fourth World Conference on Women (A/CONF.177/20/Rev.1, chap. I), follow-up action by the Commission on the Status of Women on violence against women and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century",

Recalling also Security Council resolution 1325 (2000) of 31 October 2000 on women, peace and security, and acknowledging the relevance of the study of the Secretary-General on women, peace and security included in his report (S/2002/1154) submitted pursuant to that resolution, and the recent study by the United Nations Development Fund for Women entitled *Women, War and Peace: The Independent Experts' Assessment of the Impact of Armed Conflict on Women and Women's Role in Peace-Building*, *Welcoming* the significant work throughout the world over the past decade to eliminate violence against women and girls as reflected in the final report submitted by the current Special Rapporteur on violence against women, its causes and consequences (E/CN.4/2003/75 and Corr.1, Add.1, Add.2 and Corr.1, Add.3 and Add.4), which gives an overview of the work done and is a possible reference for and valuable contribution to future work in this area,

Reaffirming the responsibility of all States to put an end to impunity and prosecute those responsible for genocide, crimes against humanity and war crimes,

Recalling the inclusion of gender-related crimes and crimes of sexual violence in the Rome Statute of the International Criminal Court (A/CONF.183/9), which affirms that rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization and other forms of sexual violence constitute, in defined circumstances, a crime against humanity and/or a war crime, and reiterating that acts of sexual violence in situations of armed conflict can constitute serious violations or grave breaches of international humanitarian law,

Deeply concerned that some groups of women, such as women belonging to minority groups, indigenous women, refugee and internally displaced women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, the girl child, women with disabilities, elderly women, widows and women in situations of armed conflict are often especially targeted or vulnerable to violence, as are women who are otherwise discriminated against,

Convinced that racism, racial discrimination, xenophobia and related intolerance reveal themselves in a differentiated manner for women and girls, and can be among the factors leading to a deterioration in their living conditions, poverty, violence, multiple forms of discrimination and the limitation or denial of their human rights, and recognizing the need to integrate a gender perspective into relevant policies, strategies and programmes of action, including effective implementation of national legislation, against racism, racial discrimination, xenophobia and related intolerance in order to address multiple forms of discrimination against women,

Expressing its appreciation of the initiatives of the United Nations Development Fund for Women to combat violence against women at the international, regional and national levels, as well as of the *World Report on Violence and Health* launched by the World Health Organization in 2002, particularly its consideration of gender-based violence,

1. *Welcomes* the work of the Special Rapporteur on violence against women, and takes note of her report, on developments in the area of violence against women (1994-2002);

2. *Notes with interest* the conclusion of the Special Rapporteur that, while at the normative level the needs of women are generally adequately addressed, the challenges lie in ensuring respect for and effective implementation of existing laws and standards, and urges States to consider the recommendations of the Special Rapporteur when formulating policies and programmes;

3. *Welcomes* the increasing attention given to violence against women at the national, regional and international levels since the adoption of the Declaration on the Elimination of Violence against Women, and through the treaty bodies as well as special mechanisms of the Commission;

4. *Affirms* that the term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life, and including domestic violence, crimes committed in the name of honour, crimes committed in the name of passion, trafficking in women and girls, traditional practices harmful to women, including female genital mutilation, early and forced marriages, female infanticide, dowry-related violence and deaths, acid attacks and violence related to commercial sexual exploitation as well as economic exploitation;

5. *Strongly condemns* all acts of violence against women and girls and in this regard calls, in accordance with the Declaration on the Elimination of Violence against Women, for the elimination of all forms of gender-based violence in the family, within the general community and where perpetrated or condoned by the State, and emphasizes the duty of Governments to refrain from engaging in violence against women and to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women and to take appropriate and effective action concerning acts of violence against women, whether those acts are perpetrated by the State, by private persons or by armed groups or warring factions, and to provide access to just and effective remedies and specialized, including medical, assistance to victims;

6. *Affirms*, in this light, that violence against women constitutes a violation of the human rights and fundamental freedoms of women and that violence against women impairs or nullifies their enjoyment of those rights and freedoms;

7. *Strongly condemns* physical, sexual and psychological violence occurring in the family, which encompasses, but is not limited to, battering, sexual abuse of women and girls in the household, dowry-related violence, marital rape, female infanticide, female genital mutilation, crimes committed against women in the name of honour, crimes committed in the name of passion, traditional practices harmful to women, incest, early and forced marriages, non-spousal violence and violence related to commercial sexual exploitation as well as economic exploitation;

8. *Stresses* that all forms of violence against women occur within the context of de jure and de facto discrimination against women and the lower status accorded to women in society and are exacerbated by the obstacles women often face in seeking remedies from the State;

9. *Emphasizes* that violence against women has an impact on their physical and mental health, including their reproductive and sexual health and, in this regard, encourages States to ensure that women have access to comprehensive and accessible health services and programmes and to health-care providers who are knowledgeable and trained to meet the needs of patients who have been subjected to violence, in order to minimize the adverse physical and psychological consequences of violence;

10. *Also emphasizes* that violence against women and girls, including rape, female genital mutilation, incest, early and forced marriage, violence related to commercial sexual exploitation, including trafficking, as well as economic exploitation and other forms of sexual

violence, can increase their vulnerability to the human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) and aggravate the conditions fostering the spread of HIV/AIDS;

11. *Reminds* Governments that their obligations under the Convention on the Elimination of All Forms of Discrimination against Women must be implemented fully with regard to violence against women, taking into account general recommendation 19 adopted by the Committee on the Elimination of Discrimination against Women at its eleventh session, reaffirms the commitment to accelerate the achievement of universal ratification of the Convention, and urges all States that have not yet ratified or acceded to the Convention to consider, as a matter of priority, doing so;

12. *Urges* States parties to consider signing and ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;

13. *Also urges* States parties to limit the extent of any reservations to the Convention on the Elimination of All Forms of Discrimination against Women, to formulate any such reservations as precisely and as narrowly as possible, to ensure that no reservations are incompatible with the object and purpose of the Convention, to review their reservations regularly with a view to withdrawing them and to withdraw reservations that are contrary to the object and purpose of the Convention;

14. *Stresses* that States have an affirmative duty to promote and protect the human rights of women and girls and must exercise due diligence to prevent, investigate and punish acts of all forms of violence against women and girls, and calls upon States:

(*a*) To apply international human rights norms and to consider, as a matter of priority, becoming party to international human rights instruments that relate to violence against women and girls, and to implement fully their international obligations;

(*b*) To fully achieve and implement the goals set and commitments made relating to eliminating violence against women contained in the Beijing Declaration and Platform for Action adopted in September 1995 by the Fourth World Conference on Women (A/CONF.177/20/Rev.1, chap. I) and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century";

(*c*) To take all measures to empower women and strengthen their economic independence and to protect and promote the full enjoyment of all human rights and fundamental freedoms in order to allow women and girls to protect themselves better against violence and, in this regard, to give priority to education, training, economic opportunity and political participation of women;

(*d*) To condemn violence against women and not invoke custom, tradition or practices in the name of religion or culture to avoid their obligations to eliminate such violence;

(*e*) To address the specific circumstances facing girls and young women in relation to violence, especially sexual violence, including its immediate and long-term consequences;

(*f*) To intensify efforts to develop and/or utilize legislative, educational, social and other measures aimed at the prevention of violence against women, including the adoption and implementation of laws, the dissemination of information, active involvement with community-based players, and the training of legal, judicial and health personnel, and, where possible, through developing and strengthening support services;

(*g*) To enact and, where necessary, reinforce or amend domestic legislation, including measures to enhance the protection of victims, to investigate, prosecute, punish and redress the wrongs done to women and girls subjected to any form of violence, whether in the home, the workplace, the community or society, in custody or in situations of armed conflict, to ensure that such legislation conforms with relevant international human rights instruments and humanitarian law, and to take action to investigate and punish persons who perpetrate acts of violence against women;

(*h*) To formulate, implement and promote, at all appropriate levels, plans of action to eliminate violence against women, guided by, inter alia, the Declaration on the Elimination of Violence against Women, as well as relevant regional instruments pertaining to the elimination of violence against women;

(*i*) To support initiatives undertaken by women's organizations and non-governmental organizations on the elimination of violence against women and to establish and/or strengthen, at the national level, collaborative relationships with relevant non-governmental and community-based organizations, and with public and private sector institutions, aimed at the development and effective implementation of provisions and policies relating to violence against women, including in the area of support services for victims;

(*j*) To intensify efforts to raise collective and individual awareness about violence against women, to highlight the role of men and boys in the prevention and elimination of violence against women, and to encourage and support initiatives to promote attitudinal and behavioural change on the part of, and the rehabilitation of, perpetrators of violence against women;

(*k*) To develop and/or enhance, including through funding, training programmes for judicial, legal, medical, social, educational, police, correctional service, military, peacekeeping, humanitarian relief and immigration personnel, in order to prevent the abuse of power leading to violence against women and to sensitize such personnel to the nature of gender-based acts and threats of violence;

(*l*) To examine the impact of, and take measures to address, gender role stereotypes that contribute to the prevalence of violence against women, including in cooperation with the United Nations system, regional organizations, civil society, the media and other relevant actors;

15. *Strongly condemns* violence against women committed in situations of armed conflict, such as murder, rape, including systematic rape, sexual slavery and forced pregnancy, and calls for effective responses to these violations of international human rights and humanitarian law;

16. *Acknowledges* the inclusion of gender-related crimes in the Rome Statute of the International Criminal Court and in the Elements of Crimes, adopted by the Assembly of State Parties to the Rome Statute in September 2002, and urges States to ratify or accede to the Rome Statute, which entered into force on 1 July 2002;

17. *Stresses the importance of* efforts to eliminate impunity for violence against women in situations of armed conflict, including by prosecuting gender-related crimes and crimes of sexual violence in the International Criminal Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda;

18. *Welcomes* the establishment of the Special Court for Sierra Leone and in particular the inclusion of crimes against women and girls in its Statute, and the creation of a Victims and Witnesses Unit to provide protective measures, counselling and other appropriate assistance;

19. *Urges* the integration of a gender perspective into all efforts to eliminate impunity;

20. *Urges* States to integrate a gender perspective into commissions of inquiry and commissions for achieving truth and reconciliation, and invites the Special Rapporteur to report, as appropriate, on these mechanisms;

21. *Also urges* States to provide gender-sensitive training to all actors, as appropriate, in peacekeeping missions in dealing with victims, particularly women and girls, of violence, including sexual violence and, in this regard, acknowledges the important role of peace support operations personnel in eliminating violence against women, and calls upon States to promote, and relevant agencies of the United Nations system and regional organizations to ensure, implementation of the Ten Rules Code of Personal Conduct for Blue Helmets;

22. *Further urges* States to mainstream a gender perspective into national immigration and asylum policies, regulations and practices, as appropriate, in order to promote and protect the rights of all women, including the consideration of steps to recognize gender-related persecution and violence when assessing grounds for granting refugee status and asylum;

23. *Urges* States and the United Nations system to give attention to, and encourages greater international cooperation in systematic research and the collection, analysis and dissemination of data, including data disaggregated by sex, age and other relevant information, on the extent, nature and consequences of violence against women and girls, and on the impact and effectiveness of policies and programmes for combating this violence;

24. *Calls upon* States to include in reports submitted in accordance with the provisions of relevant United Nations human rights instruments sex- and age-disaggregated data and information pertaining to violence against women, including measures to eliminate traditional or customary practices harmful to women and girls, and other measures taken to implement the Declaration on the Elimination of Violence against Women, the Platform for Action adopted by the Fourth World Conference on Women and other instruments relevant to the elimination of violence against women;

25. *Calls upon* States to consider establishing appropriate national mechanisms for monitoring and evaluating implementation of measures taken to eliminate violence against women and girls, including through the use of national indicators;

26. *Encourages* the Special Rapporteur to respond effectively to reliable information that comes before her and requests all Governments to cooperate with and assist the Special Rapporteur in the performance of her mandated tasks and duties, to supply all information requested, including with regard to implementation of her recommendations, and to respond to the Special Rapporteur's visits and communications;

27. *Invites* the Special Rapporteur to continue to cooperate with other special rapporteurs, special representatives, independent experts and chairpersons of the working groups of the special procedures of the Commission, including, where appropriate, undertaking joint missions, joint reports, urgent appeals and communications;

28. *Encourages* the Special Rapporteur, with a view to promoting greater efficiency and effectiveness, as well as enhancing her access to the information necessary to fulfil her duties, to continue to cooperate with regional intergovernmental organizations and any of their mechanisms engaged in the promotion of human rights of women;

29. *Welcomes* the increasing efforts and important contributions at the regional level to eliminate all forms of violence against women and encourages States to build upon these successful regional initiatives, including those mentioned in the report of the Special Rapporteur;

30. *Requests* special rapporteurs responsible for various human rights questions, United Nations organs and bodies, specialized agencies and intergovernmental organizations, and encourages the human rights treaty bodies, to continue to give consideration to violence against women within their respective mandates, to cooperate with and assist the Special Rapporteur in the performance of her mandated tasks and duties and, in particular, to respond to her requests for information on violence against women, its causes and consequences;

31. *Renews its request* to the Secretary-General to continue to provide the Special Rapporteur with all necessary assistance, in particular the staff and resources required to perform all mandated functions, especially in carrying out and following up on missions undertaken either separately or jointly with other special rapporteurs and working groups, and adequate assistance for periodic consultations with the Committee on the Elimination of Discrimination against Women and all other treaty bodies;

32. *Decides* that the mandate of the Special Rapporteur on violence against women should be renewed for a period of three years;

33. *Requests* the Special Rapporteur to report annually to the Commission on Human Rights, beginning at its sixtieth session, on activities relating to her mandate;

34. *Requests* the Secretary-General to ensure that the reports of the Special Rapporteur are brought to the attention of the Commission on the Status of Women at its forty-eighth session, as well as to the attention of the Committee on the Elimination of Discrimination against Women;

35. *Decides* to continue consideration of the question as a matter of high priority at its sixtieth session;

36. *Recommends* the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 14.]

59th meeting
23 April 2003
[Adopted without a vote. See chap. XII.]

2003/46. Human rights of migrants

The Commission on Human Rights,

Reaffirming the Universal Declaration of Human Rights, which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Considering that every State party to the International Covenant on Civil and Political Rights must ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant,

Bearing in mind that every State party to the International Covenant on Economic, Social and Cultural Rights has undertaken to guarantee the exercise of all rights enunciated in that Covenant without discrimination of any kind, including in particular on the basis of national origin,

Reaffirming the provisions concerning migrants adopted by the World Conference on Human Rights, the International Conference on Population and Development, the World Summit for Social Development and the Fourth World Conference on Women,

Recalling the renewed commitment made in the United Nations Millennium Declaration to take measures to ensure respect for and protection of the human rights of migrants, migrant workers and their families, to eliminate the increasing acts of racism and xenophobia in all societies and to promote greater harmony and tolerance,

Welcoming the provisions on the human rights of migrants contained in the Durban Declaration and Programme of Action adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12, chap. I), and expressing its satisfaction at the important recommendations made for the development of international and national strategies for the protection of migrants and for the design of migration policies that fully respect the human rights of migrants and members of their families, *Recalling* General Assembly resolution 40/144 of 13 December 1985, by which it approved the Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live,

Aware of the increasing number of migrants worldwide,

Bearing in mind the situation of vulnerability in which migrants frequently find themselves, owing, inter alia, to their absence from their State of origin and to the difficulties they encounter because of differences of language, custom and culture, as well as the economic and social difficulties and obstacles to the return of migrants, especially for those who are undocumented or in an irregular migratory situation, to their States of origin,

Deeply concerned at the manifestations of violence, racism, racial discrimination, xenophobia and other forms of intolerance and inhuman and degrading treatment against migrants, especially women and children, in different parts of the world,

Recognizing the positive contributions that migrants frequently make, including through their eventual integration into their host society, and the efforts that some host countries undertake to integrate migrants and their families,

Highlighting the importance of creating conditions that favour greater harmony, tolerance and respect between migrants and the rest of society in the countries in which they find themselves, in order to eliminate manifestations of racism and xenophobia against migrants and members of their families,

Welcoming the active role played by governmental and non-governmental organizations in combating racism and xenophobia and assisting individual victims of racist acts, including migrant victims,

Recalling the judgment of the International Court of Justice of 27 June 2001 and advisory opinion OC-16/99 issued by the Inter-American Court of Human Rights on 1 October 1999 on the right to information on consular assistance in the framework of the guarantees of due process of law, in the case of foreign nationals detained by the authorities of a receiving State,

Bearing in mind the mandate of the Special Rapporteur on the human rights of migrants contained in its resolution 1999/44 of 27 April 1999,

Encouraged by the increasing interest of the international community in the effective and full protection of the human rights of all migrants, and underlining the need to make further efforts to ensure respect for the human rights and fundamental freedoms of all migrants,

Resolved to ensure respect for the human rights and fundamental freedoms of all migrants,

1. *Strongly condemns* the manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against migrants and the stereotypes often applied to them and urges States to apply the existing laws, when xenophobic or intolerant acts, or manifestations or expressions against migrants occur, in order to eradicate impunity for those who commit xenophobic and racist acts;

2. *Also strongly condemns* all forms of racial discrimination and xenophobia related to access to employment, vocational training, housing, schooling, health services and social services, as well as services intended for use by the public;

3. *Requests* all States, in conformity with national legislation and applicable international legal instruments to which they are party, firmly to prosecute violations of labour law with regard to migrant workers' conditions of work, inter alia those related to their remuneration and conditions of health and safety at work;

4. *Also requests* States effectively to promote and protect the human rights and fundamental freedoms of all migrants, especially those of women and children, regardless of their migratory condition, in conformity with the Universal Declaration of Human Rights and the international instruments to which they are party, which may include the International Covenants on Human Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the International Convention on the Elimination of All Forms of Racial Discrimination, and other relevant human rights instruments, norms and standards;

5. *Calls upon* States to implement fully the commitments and recommendations relating to the promotion and protection of the human rights of migrants contained in the Durban Declaration and Programme of Action through, inter alia, the adoption of national plans of action as recommended by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

6. *Also calls upon* all States to consider reviewing and, where necessary, revising immigration policies with a view to eliminating all discriminatory practices against migrants and their families and to provide specialized training for government policy-making and law enforcement, migration and other concerned officials, including in cooperation with non-governmental organizations and civil society, thus underlining the importance of effective action to create conditions that foster greater harmony and tolerance within societies;

7. *Reaffirms emphatically* the duty of States parties to ensure full respect for and observance of the Vienna Convention on Consular Relations, particularly with regard to the right of foreign nationals, regardless of their immigration status, to communicate with a consular official of their own State in the case of detention, and the obligation of the State in whose territory the detention occurs to inform the foreign national of that right;

8. *Urges* all States to adopt effective measures to put an end to the arbitrary arrest and detention of migrants, including by individuals or groups;

9. *Encourages* States that have not yet done so to enact domestic legislation and to take further effective measures to combat international trafficking and smuggling of migrants, which should take into account, in particular, trafficking and smuggling that endangers the lives of migrants or entails different forms of servitude or exploitation, such as any form of debt bondage, slavery and sexual exploitation or forced labour, and also encourages them to strengthen international cooperation to combat such trafficking and smuggling;

10. *Calls upon* States to observe national legislation and applicable international legal instruments to which they are party, when enacting national security legislation measures, in order to respect the human rights of migrants;

11. *Also calls upon* States to protect all human rights of migrant children, particularly unaccompanied migrant children, ensuring that the best interests of the children are the paramount consideration, and underlines the importance of reuniting them with their parents, when possible, and encourages the relevant United Nations bodies, within the framework of their respective mandates, to pay special attention to the conditions of migrant children in all States and, where necessary, to put forward recommendations to strengthen their protection;

12. *Requests* States to adopt concrete measures in order to prevent the violation of the human rights of migrants while in transit, including in ports and airports and at borders and migration checkpoints, to train public officials who work in those facilities and in border areas to treat migrants and their families respectfully and in accordance with the law, and to prosecute, in conformity with applicable law, any act of violation of the human rights of migrants and their families - inter alia arbitrary detention, torture and violations of the right to life, including extrajudicial executions - during their transit from their country of origin to the country of destination and vice versa, including their transit through national borders;

13. *Encourages* all States to remove unlawful obstacles that may prevent the safe, unrestricted and expeditious transfer of earnings, assets and pensions of migrants to their country of origin or to any other countries, in conformity with applicable legislation, and to consider, as appropriate, measures to solve other problems that may impede such transfers;

14. *Calls upon* States to facilitate family reunification in an expeditious and effective manner, with due regard to applicable laws, as such reunification has a positive effect on the integration of migrants;

15. *Welcomes* immigration programmes adopted by some countries that allow migrants to integrate fully into the host countries, facilitate family reunification and promote a harmonious and tolerant environment, and encourages States to consider the possibility of adopting these types of programmes;

16. *Encourages* States to consider participating in international and regional dialogues on migration that include sending and receiving countries, as well as countries of transit, and invites them to consider negotiating bilateral and regional agreements on migrant workers in the framework of applicable human rights law and designing and implementing programmes with States of other regions to protect the rights of migrants;

17. *Encourages* States of origin to promote and protect the human rights of those families of migrant workers which remain in the countries of origin, paying particular attention to children and adolescents whose parents have emigrated, and encourages international organizations to consider supporting States in this regard;

18. *Encourages* States, in cooperation with non-governmental organizations, to undertake information campaigns aimed at clarifying opportunities, limitations and rights in the

event of migration, so as to enable everyone, in particular women, to make informed decisions and to prevent them from becoming victims of trafficking and utilizing dangerous means of access that put their lives and physical integrity at risk;

19. *Welcomes* the fourth report of the Special Rapporteur on the human rights of migrants (E/CN.4/2003/85 and Add.1 and Add.1/Corr.1, Add.2, Add.3 and Add.3/Corr.1 and Add.4) and her report to the General Assembly (see A/57/292), both submitted pursuant to Commission resolution 2002/62 of 25 April 2002, especially regarding the work she has undertaken, and takes note of her observations and recommendations;

20. *Encourages* the Special Rapporteur to continue to examine ways and means of overcoming existing obstacles to the full and effective protection of the human rights of persons belonging to this large vulnerable group, including obstacles to and difficulties for the return of migrants who are undocumented or in an irregular situation, in conformity with her mandate as contained in Commission resolution 1999/44;

21. *Requests* the Special Rapporteur, in carrying out her mandate and within the framework of the Universal Declaration of Human Rights and all other international human rights instruments, to request, receive and exchange information on violations of the human rights of migrants, wherever they may occur, from Governments, treaty bodies, specialized agencies and the special mechanisms of the Commission, as well as from intergovernmental organizations, other competent organizations of the United Nations system and non-governmental organizations, including migrants' organizations, and to respond effectively to such information;

22. *Requests* all relevant mechanisms to cooperate with the Special Rapporteur;

23. *Requests* the Special Rapporteur, as part of her activities, to continue her programme of visits, which contribute to improving the protection afforded to the human rights of migrants and to the broad and full implementation of all the aspects of her mandate;

24. *Encourages* Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable her to fulfil her mandate effectively, and notes with appreciation that some Governments have already invited her;

25. *Requests* all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, to furnish all information requested and to react promptly to her urgent appeals;

26. *Requests* the Special Rapporteur to take into account, while carrying out her mandate, the recommendations on migrants contained in the Durban Declaration and Programme of Action;

27. *Also requests* the Special Rapporteur, in carrying out her mandate, to take into account bilateral and regional negotiations which aim at addressing, inter alia, the return and reinsertion of migrants who are undocumented or in an irregular situation;

28. *Further requests* the Special Rapporteur to submit a report on her activities to the General Assembly at its fifty-eighth session and to the Commission at its sixtieth session;

29. *Requests* the Secretary-General to give the Special Rapporteur all necessary human and financial assistance for the fulfilment of her mandate;

30. *Calls upon* States and intergovernmental and non-governmental organizations to observe on 18 December of each year International Migrants Day, proclaimed by the General Assembly, by disseminating, inter alia, information on the human rights and fundamental freedoms of migrants and on their economic, social and cultural contributions to their host and home countries, and by sharing experiences and adopting measures to ensure their protection and to promote greater harmony between migrants and the societies in which they live;

31. *Urges* States to consider ratifying or adhering to the United Nations Convention against Transnational Organized Crime and its two additional protocols, the Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and fully to implement those instruments;

32. *Decides* to consider this question further, as a matter of priority, at its sixtieth session under the same agenda item.

59th meeting
23 April 2003
[Adopted without a vote. See chap. XIV.]

2003/47. The protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS)

The Commission on Human Rights,

Recalling its resolutions 2001/51 of 24 April 2001 and 1999/49 of 27 April 1999 and other relevant resolutions and decisions adopted by organizations of the United Nations system, as well as by other competent forums,

Welcoming the Declaration of Commitment on HIV/AIDS "Global Crisis - Global Action" that the General Assembly adopted, annexed to resolution S-26/2 of 27 June 2001, at its twenty-sixth special session on HIV/AIDS, and noting in particular the affirmation in the Declaration that the realization and safeguarding of human rights and fundamental freedoms for all are essential to reduce vulnerability to HIV/AIDS,

Taking note with interest of the preliminary report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (E/CN.4 /2003/58),

Taking note also with interest of the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (E/CN.4/2003/67) which addresses access to information in the context of HIV/AIDS prevention and care, *Taking note further with interest* of general comment no. 3 (2003) on HIV/AIDS and the rights of the child, adopted by the Committee on the Rights of the Child at its thirty-second session in January 2003, the first-ever general comment on HIV/AIDS adopted by a treaty monitoring mechanism,

Welcoming the fact that many positive steps in implementing its previous resolutions have been taken, including the enactment of legislation in some countries to promote human rights in the context of HIV/AIDS and to prohibit discrimination against persons infected or presumed to be infected and members of vulnerable groups,

Encouraging the continuation of national, regional and international consultations in the field of HIV/AIDS and human rights,

Noting with concern that, according to estimates by the Joint United Nations Programme on HIV/AIDS (UNAIDS) and the World Health Organization, by the end of 2002 the number of people living with HIV increased to 42 million, the number of people newly infected with HIV was 5 million and the number of people who died from AIDS was 3.1 million,

Noting with particular concern that more than 95 per cent of all people infected with HIV live in the developing world, mostly in conditions of poverty, underdevelopment, conflict and inadequate measures for the prevention, treatment and care of HIV/AIDS infection and noting that an increasing proportion of people living with HIV/AIDS are women,

Noting the devastating impact of HIV/AIDS, including increased mortality and morbidity among the working-age population, losses in family income, greater numbers of orphans, the disproportionate burden borne by women at the personal, family and community levels and higher health and social costs,

Welcoming the creation of and the progress made by the Global Fund to Fight AIDS, Tuberculosis and Malaria,

Emphasizing, in view of the increasing challenges presented by HIV/AIDS, the need for intensified efforts to ensure universal respect for and observance of human rights and fundamental freedoms for all so as to reduce vulnerability to HIV/AIDS and to prevent HIV/AIDS-related discrimination and stigma,

Concerned that lack of full enjoyment of human rights by persons suffering from economic, social or legal disadvantage heightens the vulnerability of such persons to the risk of HIV infection and to its impact, if infected,

Also concerned that, in many countries, many people infected and affected by HIV, as well as those presumed to be infected, continue to be discriminated against in law, policy and practice,

Welcoming the significant role of UNAIDS in cooperation with relevant bodies of the United Nations system, in particular the Office of the United Nations High Commissioner for Human Rights, and of national and international non-governmental organizations, in particular organizations of people living with HIV/AIDS, in promoting and protecting human rights in the context of HIV/AIDS, including fighting discrimination against people living with HIV/AIDS, and in the full range of prevention, treatment and care activities,

Noting that stigma and discrimination on the basis of HIV or AIDS status are obstacles to an effective HIV/AIDS response and reiterating that discrimination on the basis of HIV or AIDS status, actual or presumed, is prohibited by existing international human rights standards, and that the term "or other status" in non-discrimination provisions in international human rights texts should be interpreted to cover health status, including HIV/AIDS,

Recalling the publication entitled *HIV/AIDS and Human Rights International Guidelines - Revised Guideline 6: Access to prevention, treatment, care and support*, an outcome of the Third International Consultation on HIV/AIDS and Human Rights, convened jointly by the Office of the United Nations High Commissioner for Human Rights and UNAIDS, which provides guidance to ensuring the respect, protection and fulfilment of human rights in the context of HIV/AIDS,

Welcoming the report of the Secretary-General on the protection of human rights in the context of HIV and AIDS (E/CN.4/2003/81), which provides an overview of action taken by Governments, specialized agencies and international and non-governmental organizations on the implementation of the guidelines on HIV/AIDS and human rights and their dissemination, and which addresses issues of technical cooperation for the promotion and protection of human rights in the context of HIV/AIDS,

1. *Invites* States, United Nations organs, programmes and specialized agencies and international and non-governmental organizations to continue to take all necessary steps to ensure the respect, protection and fulfilment of HIV-related human rights as contained in the guidelines on HIV/AIDS and human rights;

2. *Also invites* States, United Nations organs, programmes and specialized agencies and international and non-governmental organizations to contribute to international cooperation in the context of HIV/AIDS-related human rights through, inter alia, working on advancing HIV/AIDS prevention and care programmes, including facilitating access to treatment and care in the context of HIV/AIDS, and through sharing knowledge, experiences and achievements concerning HIV-related issues;

3. *Invites* States to strengthen national mechanisms for protecting HIV/AIDS-related human rights and to take all necessary measures to eliminate stigmatization of and discrimination against those infected and affected by HIV/AIDS, especially for women, children and vulnerable groups, so that infected persons who reveal their HIV status, those presumed to be infected and other affected persons are protected from violence, stigmatization and other negative consequences;

4. *Invites* States, United Nations organs, programmes and specialized agencies and international and non-governmental organizations to assist developing countries, in particular the least developed countries and those in Africa, in their efforts to prevent the spread of the epidemic, alleviate and control the detrimental impact of HIV/AIDS on the human rights of their populations and care for those infected;

5. *Urges* States to ensure that their laws, policies and practices respect human rights in the context of HIV/AIDS, prohibit HIV/AIDS-related discrimination, promote effective programmes for the prevention of HIV/AIDS, including through education and awareness-raising campaigns and improved access to high-quality goods and services for preventing transmission of the virus, and promote effective programmes for the care and support of persons infected and affected by HIV, including through improved and equitable access to safe and effective medication for the treatment of HIV infection and HIV/AIDS-related illnesses;

6. *Requests* States to establish coordinated, participatory, gender-sensitive, transparent and accountable national policies and programmes for HIV/AIDS response and to translate national policies to district level and local action, involving in all phases of development and implementation non-governmental and community-based organizations and people living with HIV/AIDS;

7. *Also requests* States to develop and support services, including legal aid where appropriate, to educate people infected and affected by HIV/AIDS about their rights and to assist them in realizing their rights;

8. *Further requests* States to take all the necessary steps, including appropriate education, training and media programmes, to combat discrimination, prejudice and stigma, and to ensure the full enjoyment of civil, political, economic, social and cultural rights by people infected and affected by HIV/AIDS;

9. *Requests* States, in consultation with the relevant national professional bodies, to ensure that codes of professional conduct, responsibility and practice respect human rights and dignity in the context of HIV/AIDS, including access to care for people infected and affected by HIV/AIDS;

10. *Also requests* States, in consultation with relevant national bodies, including national human rights institutions, to develop and support appropriate mechanisms to monitor and enforce HIV/AIDS-related human rights;

11. *Invites* the human rights treaty bodies, when considering reports submitted by States parties, to give particular attention to HIV/AIDS-related rights and invites States to include appropriate HIV/AIDS-related information in the reports they submit to the relevant treaty bodies;

12. *Invites* States, when preparing their progress reports to the General Assembly on the implementation of the Declaration of Commitment on HIV/AIDS "Global Crisis - Global Action", to include information on human rights in the context of HIV/AIDS;

13. *Requests* all special representatives, special rapporteurs and working groups of the Commission, inter alia, the special rapporteurs on the right to education, on the promotion and protection of freedom of opinion and expression, on violence against women, its causes and consequences, and on the sale of children, child prostitution and child pornography, to integrate the protection of HIV-related human rights within their respective mandates and invites in particular the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health in the discharge of his mandate to pay appropriate attention to relevant issues concerning this resolution;

14. *Requests* the Secretary-General to invite the United Nations organs and programmes, as well as the specialized agencies and Member States, to integrate HIV-related human rights into their policies, programmes and activities, including those involving regional intergovernmental human rights and other bodies, and to involve non-governmental and community-based organizations in all phases of development and implementation, to help ensure a system-wide approach, stressing the coordinating and catalytic role of UNAIDS;

15. *Also requests* the Secretary-General to solicit comments from Governments, United Nations organs, programmes and specialized agencies and international and non-governmental organizations on the steps they have taken to promote and implement, where applicable, the guidelines on HIV/AIDS and human rights and the present resolution, and to submit, in consultation with interested parties, a progress report for consideration at its sixty-first session.

59th meeting
23 April 2003
[Adopted without a vote. See chap. XIV.]

2003/48. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The Commission on Human Rights,

Reaffirming that all human beings are born free and equal in dignity and rights, are endowed with reason and conscience and should act towards one another in a spirit of brotherhood,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Guided by the basic instruments regarding the international protection of human rights, in particular the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, and reaffirming the obligation of States to promote and protect human rights and fundamental freedoms,

Bearing in mind the principles and standards established within the framework of the International Labour Organization and the importance of the work done in connection with migrant workers and members of their families in other specialized agencies and in various United Nations bodies,

Aware of the marked increase in migratory movements that has occurred, especially in certain parts of the world,

Deeply concerned at the grave situation of vulnerability of migrant workers and members of their families, *Recalling* the renewed commitment made in the United Nations Millennium Declaration to take measures to ensure respect for and protection of the human rights of migrants, migrant workers and their families, to eliminate the increasing acts of racism and xenophobia in all societies and to promote greater harmony and tolerance,

Reiterating that, despite the existence of an established body of principles and norms, there is an urgent need worldwide to make further efforts to improve the situation of and to guarantee respect for the human rights and dignity of all migrant workers and members of their families,

Recalling General Assembly resolution 45/158 of 18 December 1990, by which the Assembly adopted and opened for signature, ratification and accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, contained in the annex to the resolution,

Considering that the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23) urges all States to guarantee the protection of all migrant workers and their families and invites them to consider the possibility of signing and ratifying the Convention at the earliest possible time,

1. *Acknowledges with appreciation* the entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families on 1 July 2003;

2. *Welcomes* the signing or ratification of or accession to the Convention by some States and takes note of the report of the Secretary-General on the status of the Convention (E/CN.4/2003/80);

3. *Calls again upon* all States that have not yet done so to consider seriously signing and ratifying or acceding to the Convention as a matter of priority;

4. *Requests* the Secretary-General to take all necessary measures to convene the initial meeting of States parties to the Convention;

5. *Also requests* the Secretary-General to make all the necessary provisions for the timely establishment of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families referred to in article 72 of the Convention;

6. *Calls upon* States parties to the Convention to submit in due time their first periodic report requested by article 73 of the Convention;

7. *Requests* the Secretary-General to provide all facilities and assistance necessary for the active promotion of the Convention, through the World Public Information Campaign for Human Rights and the programme of advisory services and technical cooperation in the field of human rights;

8. *Welcomes* the work of the Special Rapporteur on the human rights of migrants in relation to the Convention and encourages her to persevere in this endeavour;

9. *Also welcomes* the increasing activities of the global campaign for the entry into force of the Convention and invites organizations and agencies of the United Nations system, as well as intergovernmental and non-governmental organizations, to continue and intensify their efforts with a view to disseminating information on the Convention and promoting understanding of the importance of the Convention;

10. *Requests* the Secretary-General to report to the Commission at its sixtieth session on the status of the Convention and on the efforts made by the Secretariat to promote the Convention and the protection of the rights of migrant workers;

11. *Decides* to include in the provisional agenda of its sixtieth session the agenda sub-item entitled "Migrant workers" of the item "Specific groups and individuals".

59th meeting
23 April 2003
[Adopted without a vote. See chap. XIV.]

2003/49. Human rights of persons with disabilities

The Commission on Human Rights,

Recalling that all persons with disabilities have the right to protection against discrimination and to full and equal enjoyment of their human rights, as laid down, inter alia, in the provisions of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and the 1983 Convention concerning vocational rehabilitation and employment (disabled persons) (No. 159) of the International Labour Organization,

Recalling and reaffirming commitments relating to the human rights and fundamental freedoms of persons with disabilities made at the major United Nations conferences and summits since 1990 and their follow-up processes and stressing the importance of mainstreaming the disability issue in their implementation,

Recalling General Assembly resolutions 48/96 of 20 December 1993, by which it adopted the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, and 56/115 of 19 December 2001 on the implementation of the World Programme of Action concerning Disabled Persons,

Recalling also General Assembly resolution 56/168 of 19 December 2001, in which the Assembly established an Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities, and resolution 57/229 of 18 December 2002, in which the Assembly took note with appreciation of the report of the Ad Hoc Committee on its first session and reaffirmed the need to promote and protect the equal and effective enjoyment of all human rights and fundamental freedoms of persons with disabilities, aware of the contribution that a convention could make in that regard, *Reaffirming* its resolution 2002/61 of 25 April 2002 on human rights of persons with disabilities,

Taking note of the resolution adopted by the Commission for Social Development on 21 February 2003 on a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities,

Recalling the study on human rights and disability presented at the fifty-eighth session of the Commission on Human Rights,

Recognizing the considerable contribution of civil society, including non-governmental organizations, especially organizations of persons with disabilities, to the global effort to bring about full participation and equality for persons with disabilities,

Welcoming in this regard General Assembly resolution 56/510 of 23 July 2002 on accreditation and participation of non-governmental organizations in the Ad Hoc Committee and the decision on the modalities for the participation of accredited non-governmental organizations taken by the Ad Hoc Committee at its first session,

Expressing grave concern that situations of armed conflict have especially devastating consequences for the human rights of persons with disabilities,

Concerned at the extent of disabilities caused by the indiscriminate use of anti-personnel mines and other weapons which may be deemed to be excessively injurious or to have indiscriminate effects, and at the long-lasting impact of these weapons which prevent the full and effective enjoyment of human rights, particularly among civilian populations, and welcoming increased international efforts to address this issue,

Reaffirming its commitment to ensuring that the human rights of persons with disabilities and their concerns for full participation in all aspects of society continue to be addressed in all of its work,

1. *Recognizes* that any violation of the fundamental principle of equality or any discrimination or other unjustified differential treatment of persons with disabilities inconsistent with the Standard Rules on the Equalization of Opportunities for Persons with Disabilities infringes or nullifies and impairs the enjoyment of human rights by persons with disabilities;

2. *Urges* Governments to take active measures to ensure the full enjoyment by persons with disabilities of all human rights and fundamental freedoms, including by removing or facilitating the removal of barriers and obstacles to the equal and effective enjoyment of these rights, as well as by developing national policies;

3. *Takes note with appreciation* of the report of the United Nations High Commissioner for Human Rights on progress in the implementation of the recommendations contained in the report of the United Nations High Commissioner for Human Rights on progress in the implementation of the recommendations in the study on the human rights of persons with disabilities (E/CN.4/2003/88) and requests the Secretary-General to make it available to the Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities;

4. *Notes with interest* the elaboration by the Office of the High Commissioner of a long-term plan in the field of the promotion and protection of human rights of persons with disabilities, in keeping with its multi-track approach, as well as the objectives of the plan set forth in the study, and looks forward to its further implementation;

5. *Calls upon* the Office of the High Commissioner to continue to consider in its activities implementing the recommendations that relate to it in the study on human rights and disability, as well as to continue to strengthen collaboration with other United Nations agencies and bodies;

6. *Underlines* in this regard the importance of strengthening the cooperation and coordination between the Office of the High Commissioner and the Department of Economic and Social Affairs of the Secretariat in order to support the work of the Ad Hoc Committee;

7. *Calls upon* the Office of the High Commissioner to report to the Commission on Human Rights at its sixtieth session on progress in the implementation of the recommendations contained in the study on human rights and disability and on the programme of work of the Office in relation to the human rights of persons with disabilities;

8. *Invites* all special rapporteurs, in carrying out their mandates, to take into account the human rights of persons with disabilities;

9. *Invites* the Special Rapporteur on disability of the Commission for Social Development to address the Commission on Human Rights at its sixtieth session on his or her experience of the human rights dimension gained by him or her and the panel of experts through monitoring the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, and looks forward to a continued involvement of the Special Rapporteur in issues relating to disability within the Commission on Human Rights in order to mainstream a disability perspective;

10. *Invites* human rights treaty monitoring bodies to take into account the concerns of persons with disabilities in their lists of issues and concluding observations, to consider drafting general comments and recommendations on the full enjoyment of human rights by persons with disabilities and to integrate a disability perspective into their monitoring activities;

11. *Urges* Governments to cover fully the question of the human rights of persons with disabilities in complying with their reporting obligations under the relevant United Nations human rights instruments;

12. *Also urges* Governments to consider nominating persons with disabilities for election to the treaty monitoring bodies, bearing in mind relevant existing considerations for nominations to treaty monitoring bodies;

13. *Invites* national human rights institutions and non-governmental organizations to strengthen their work on human rights and disability, including by participating actively in the Ad Hoc Committee, and to enhance their level of contributions to the work of the treaty monitoring bodies;

14. *Encourages* Governments and relevant intergovernmental institutions to develop programmes for persons with disabilities to enable them to develop their potential to participate fully in all aspects of society and thus achieve the enjoyment of all their human rights;

15. *Reaffirms* its commitment to continue to contribute to the process established by the General Assembly in resolution 56/168 by, inter alia, providing its recommendations on the full and effective enjoyment of all human rights of persons with disabilities;

16. *Acknowledges* the contributions and support of the Office of the High Commissioner to the process established by the General Assembly in resolution 56/168 on a comprehensive and integral international convention to protect and promote the rights and dignity of persons with disabilities, and encourages the Office to continue to do so in accordance with Assembly resolutions 56/168 and 57/229;

17. *Recalls* the invitation by the Ad Hoc Committee to States, as well as regional commissions, intergovernmental organizations and relevant human rights treaty bodies, within their respective mandates, and non-governmental organizations, national disability and human rights institutions and independent experts with an interest in the matter, to make available to the Ad Hoc Committee suggestions and possible elements to be considered for a convention;

18. *Invites* Governments, civil society and the private sector to contribute to the United Nations Voluntary Fund on Disability, as well as to the voluntary fund established by the General Assembly in resolution 57/229, to support the participation of non-governmental organizations and experts from developing countries, in particular from the least developed countries, in the work of the Ad Hoc Committee;

19. *Calls upon* all United Nations organizations and specialized agencies and all intergovernmental institutions for development cooperation to integrate disability measures into their activities, including by addressing the problems that exist in creating equal opportunities for persons with disabilities at all levels, and to reflect this in their activity reports;

20. *Requests* the Secretary-General to include in relevant reports to the General Assembly information on the progress of efforts to ensure the full recognition and enjoyment of the human rights of persons with disabilities;

21. *Decides* to continue its consideration of this question at its sixtieth session under the same agenda item.

59th meeting
23 April 2003
[Adopted without a vote. See chap. XIV.]

2003/50. Rights of persons belonging to national or ethnic, religious and linguistic minorities

The Commission on Human Rights,

Recalling General Assembly resolution 47/135 of 18 December 1992, as well as subsequent resolutions of the General Assembly on the Declaration on the Rights of Persons

Belonging to National or Ethnic, Religious and Linguistic Minorities, as well as its own resolution 2002/57 of 25 April 2002 on the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Recalling also its resolution 1995/24 of 3 March 1995 as well as Economic and Social Council resolution 1995/31 of 25 July 1995 and decision 1998/246 of 30 July 1998 on the mandate of the Working Group on Minorities of the Sub-Commission on the Promotion and Protection of Human Rights,

Taking note of Sub-Commission resolution 2002/16 of 14 August 2002 on the rights of minorities,

Recalling the report of the International Seminar on Cooperation for the Better Protection of the Rights of Minorities (E/CN.4/2002/92) held in the framework of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 1, 2 and 5 September 2001 in Durban, South Africa,

Considering that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to political and social stability and peace and enrich the cultural diversity and heritage of society,

Concerned at the growing frequency and severity of disputes and conflicts involving minorities in many countries, and their often tragic consequences, and that persons belonging to minorities often suffer disproportionately the effects of conflict resulting in the violation of their human rights and are particularly vulnerable to displacement through, inter alia, population transfers, refugee flows and forced relocation,

Concerned also at instances of victimization or marginalization of persons belonging to minorities in situations of political or economic instability,

Affirming that effective measures and the creation of favourable conditions for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, ensuring effective non-discrimination and equality for all, as well as full and effective participation in matters affecting them, contribute to the prevention and peaceful solution of human rights problems and situations involving minorities,

Emphasizing the importance of the timely identification of human rights problems and situations involving national or ethnic, religious and linguistic minorities,

Acknowledging that minority rights promote tolerance within societies and recognizing that the promotion of a culture of tolerance through education, in particular human rights education, shall be advanced by all States,

Acknowledging also that the United Nations has an increasingly important role to play regarding the protection of minorities by, inter alia, taking due account of and giving effect to the Declaration,

Welcoming the work of the Working Group in promoting regional and local initiatives for the protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, including by organizing regional expert seminars, *Noting with satisfaction* the emphasis by the Working Group on the participation of minority representatives in its work,

1. *Takes note* of the report of the Secretary-General on the rights of persons belonging to national or ethnic, religious and linguistic minorities (E/CN.4/2003/82), of the report of the Working Group on Minorities on its eighth session (E/CN.4/Sub.2/2002/19 and Corr.1), in particular the conclusions and recommendations contained therein, and of the report of the United Nations High Commissioner for Human Rights submitted in accordance with Commission resolution 2002/57 on the situation of national or ethnic, religious and linguistic minorities, in particular with respect to conflict prevention (E/CN.4/2003/87);

2. *Reaffirms* the obligation of States to ensure that persons belonging to national or ethnic, religious and linguistic minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law, as proclaimed in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

3. *Urges* States to take, as appropriate, all the necessary constitutional, legislative, administrative and other measures to promote and give effect to the Declaration;

4. *Urges* States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration, including through equal access to education and the facilitation of their full participation in the economic progress and development of their country, and to apply a gender perspective while doing so;

5. *Urges* States to pay specific attention to the negative impact of racism, racial discrimination, xenophobia and related intolerance on the situation of persons belonging to national or ethnic, religious and linguistic minorities, and draws attention to the relevant provisions of the Durban Declaration and Programme of Action adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12, chap. I), including the provisions on forms of multiple discrimination;

6. *Calls upon* States to give special attention to the promotion and protection of the human rights of children belonging to minorities, taking into account that girls and boys may face different types of risks;

7. *Also calls upon* States to take all appropriate measures to protect the cultural and religious sites of national or ethnic, religious and linguistic minorities;

8. *Welcomes* the publication by the Office of the High Commissioner of the *United Nations Guide for Minorities* containing an overview of relevant procedures and mechanisms of regional and international organizations and encourages its broad dissemination;

9. *Calls upon* the High Commissioner to continue to promote, within his mandate, the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and to engage in a dialogue with Governments concerned for that purpose;

10. *Invites* the High Commissioner to continue his efforts to improve the coordination and cooperation of United Nations agencies and programmes active in the field of the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities;

11. *Invites* the human rights treaty monitoring bodies when considering reports submitted by States parties, as well as special representatives, special rapporteurs, working groups of the Commission and relevant United Nations agencies and programmes, to continue to give attention, within their respective mandates, to situations and rights of persons belonging to national or ethnic, religious and linguistic minorities;

12. *Encourages* the Working Group, as requested by the Sub-Commission, within its mandate, to take due account of activities undertaken and reports prepared by intergovernmental regional organizations on human rights problems and situations involving minorities;

13. *Calls upon* States, intergovernmental organizations, United Nations bodies and non-governmental organizations to participate actively in the work of the Working Group, including through written contributions;

14. *Also calls upon* States to facilitate the effective participation of representatives of non-governmental organizations and persons belonging to minorities in the work of the Working Group and invites the High Commissioner to seek voluntary contributions in this regard;

15. *Requests* the Secretary-General and the High Commissioner to provide the Working Group with all the necessary assistance, in particular the staff and resources required, to fulfil its mandate;

16. *Requests* the High Commissioner to invite Governments and relevant intergovernmental and non-governmental organizations to submit their views on how best to protect the rights of persons belonging to minorities;

17. *Also requests* the High Commissioner to examine existing mechanisms with a view to enhancing their cooperation and effectiveness and to identify possible gaps in the protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities and to report thereon to the Commission at its sixtieth session;

18. *Calls upon* the Secretary-General to make available, at the request of Governments concerned, qualified expertise on minority issues, including the prevention and resolution of conflicts, to assist in existing or potential situations involving minorities and to report to the Commission at its sixtieth session on concrete projects and activities in this regard;

19. *Requests* the Secretary-General to report to the Commission at its sixtieth session on the implementation of the present resolution;

20. *Decides* to continue its consideration of this question at its sixtieth session under the same agenda item.

59th meeting
23 April 2003
[Adopted without a vote. See chap. XIV.]

2003/51. Internally displaced persons

The Commission on Human Rights,

Deeply disturbed by the alarmingly high numbers throughout the world of persons who have been forced or obliged to flee or leave their homes or places of habitual residence and who have not crossed an internationally recognized State border, for reasons including armed conflict, violations of human rights and natural or human-made disasters,

Conscious of the human rights and humanitarian dimensions of the problem of internally displaced persons, who often do not receive adequate protection and assistance, and aware of the serious challenge this is creating for the international community and of the responsibility of States and the international community to strengthen methods and means to address better the specific protection and assistance needs of internally displaced persons,

Emphasizing the primary responsibility of national authorities to provide protection and assistance to internally displaced persons within their jurisdiction, as well as to address the root causes of their displacement in appropriate cooperation with the international community,

Noting the resolve of the international community to find durable solutions for all internally displaced persons and to strengthen international cooperation in order to help them return voluntarily to their homes in safety and with dignity or, based on their free choice, to resettle in another part of their country, and to be smoothly reintegrated into their societies,

Recalling the relevant norms of international human rights law, international humanitarian law and international refugee law, and recognizing that the protection of internally displaced persons has been strengthened by identifying, reaffirming and consolidating specific standards for their protection, in particular through the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2, annex),

Bearing in mind the relevant provisions of, inter alia, the United Nations Millennium Declaration adopted by the General Assembly in its resolution 55/2 of 8 September 2000, the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23) and the Durban Declaration and Programme of Action adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12),

Noting that the Rome Statute of the International Criminal Court (A/CONF.183/9) defines the deportation or forcible transfer of population as a crime against humanity and the unlawful deportation or transfer of the civilian population as well as ordering the displacement of the civilian population as war crimes,

Recalling its previous relevant resolutions, in particular resolution 2002/56 of 25 April 2002 and General Assembly resolution 56/164 of 19 December 2001, and taking note of Economic and Social Council resolution 2002/32 of 26 July 2002, resolutions 2002/7 and 2002/30 of 14 and 15 August 2002 of the Sub-Commission on the Promotion and Protection of Human Rights and of the statement by the President of the Security Council of 20 December 2002 (S/PRST/2002/41),

1. *Takes note with appreciation* of the report of the Representative of the Secretary-General on internally displaced persons (E/CN.4/2003/86 and Add.1-6) and commends him for his efforts to promote a comprehensive strategy that focuses on the prevention of displacement and on the protection, assistance and development needs of internally displaced persons, as well as on durable solutions;

2. *Expresses concern* at the persistent problems of large numbers of internally displaced persons worldwide, in particular the risk of extreme poverty and socio-economic exclusion, their limited access to humanitarian assistance, vulnerability to human rights violations, as well as difficulties resulting from their specific situation, such as lack of food, medication or shelter and issues pertinent during their reintegration, including, in appropriate cases, the need for the restitution of or compensation for property;

3. *Expresses particular concern* at the grave problems faced by many internally displaced women and children, including violence and abuse, sexual exploitation, forced recruitment and abduction, and welcomes the commitment of the Representative of the Secretary-General to pay more systematic and in-depth attention to their special assistance, protection and development needs, as well as those of other groups with special needs among the internally displaced, such as older persons and persons with disabilities;

4. *Notes* the importance of taking the human rights and the specific protection and assistance needs of internally displaced persons into consideration, when appropriate, in peace processes and in reintegration and rehabilitation processes;

5. *Expresses its appreciation* for the catalytic role the Representative of the Secretary-General continues to play in raising the level of awareness about the plight of internally displaced persons, and for the work of the Representative in developing normative and institutional frameworks for the protection and assistance of internally displaced persons, in particular the compilation and analysis of legal norms and the development of guiding principles, in undertaking country missions to engage in dialogue with Governments and other pertinent actors, as well as in conducting research and issuing reports on the causes and specific aspects of internal displacement and on particular country situations, together with proposals for preventive or remedial measures, and encourages him to continue his efforts in this regard;

6. *Welcomes* the cooperation established between the Representative of the Secretary-General and the United Nations as well as other international and regional organizations, in particular his participation in the work of the Inter-Agency Standing Committee and its subsidiary bodies, and encourages further strengthening of this collaboration in order to promote better protection, assistance and development strategies for internally displaced persons;

7. *Expresses its appreciation* of the Guiding Principles on Internal Displacement as an important tool for dealing with situations of internal displacement, welcomes the fact that an increasing number of States, United Nations agencies and regional and non-governmental organizations are applying them as a standard, and encourages all relevant actors to make use of the Guiding Principles when dealing with situations of internal displacement;

8. *Welcomes* the dissemination, promotion and application of the Guiding Principles and the fact that the Representative of the Secretary-General continues to use them in his dialogues with Governments, intergovernmental and non-governmental organizations and other

pertinent actors, and requests the Representative of the Secretary-General to continue his efforts in disseminating and promoting the Guiding Principles, inter alia through supporting and initiating their publication and translation, participation in training, and, in consultation with Governments, regional organizations, intergovernmental and non-governmental organizations and other relevant institutions, the holding of national, regional and international seminars on displacement, as well as in providing support for efforts to promote capacity-building and the use of the Guiding Principles;

9. *Expresses its appreciation* to Governments and intergovernmental and non-governmental organizations which have provided assistance and protection to internally displaced persons, developed policies to address their plight and supported the work of the Representative of the Secretary-General;

10. *Calls upon* Governments to provide protection and assistance, including reintegration and development assistance, to internally displaced persons, to develop national policies aimed at addressing their plight, as well as to ensure that they benefit from public services, in particular basic social services such as health services and education, based on the principle of non-discrimination, and to facilitate the efforts of relevant United Nations agencies and humanitarian organizations in these respects, including by improving access to internally displaced persons;

11. *Encourages* all Governments, in particular Governments of countries with situations of internal displacement, to facilitate the activities of the Representative of the Secretary-General and to respond favourably to his requests for visits as well as for information, and urges Governments as well as the relevant parts of the United Nations system, also at the country level, to follow up effectively on the recommendations of the Representative of the Secretary-General and to make available information on measures taken in this regard;

12. *Stresses* the need to further strengthen inter-agency arrangements and the capacities of United Nations agencies and other relevant actors to meet the immense humanitarian challenge of internal displacement, and calls upon States to provide adequate resources for programmes to assist and protect internally displaced persons with a view to enhancing the capacities of countries with situations of internal displacement, and of the relevant intergovernmental and non-governmental organizations, to meet the needs of internally displaced persons;

13. *Emphasizes* in this regard the central role of the Emergency Relief Coordinator in inter-agency coordination for the protection and assistance of internally displaced persons, welcomes the establishment of the Unit on Internal Displacement within the Office for the Coordination of Humanitarian Affairs, and encourages them to further strengthen their collaboration with the Representative of the Secretary-General, in line with the memorandum of understanding between the Representative of the Secretary-General and the Coordinator of 17 April 2002;

14. *Notes with appreciation* the activities aimed at addressing the plight of internally displaced persons undertaken by the United Nations High Commissioner for Human Rights, the United Nations High Commissioner for Refugees, the United Nations Development Programme, the United Nations Children's Fund, the World Food Programme, the World Health

Organization, the International Organization for Migration, the International Labour Organization, the Food and Agriculture Organization of the United Nations, the World Bank, and by all other relevant humanitarian assistance, human rights and development agencies and organizations, including non-governmental organizations, and encourages them to further enhance their collaboration and coordination with regard to internally displaced persons, especially through the Inter-Agency Standing Committee;

15. *Encourages* the Emergency Relief Coordinator, the Representative of the Secretary-General and the Unit on Internal Displacement to further promote an effective, predictable and collaborative response among all relevant international agencies and bodies with regard to protecting and assisting internally displaced persons, at headquarters as well as in countries with situations of internal displacement, bearing in mind the role of resident or humanitarian coordinators;

16. *Notes with appreciation* the increased attention paid to internally displaced persons in the consolidated inter-agency appeals process and encourages further efforts in this regard;

17. *Acknowledges with appreciation* the work of the International Committee of the Red Cross and the other components of the International Red Cross and Red Crescent Movement in protecting and assisting internally displaced persons;

18. *Notes with appreciation* the efforts of non-governmental organizations and the increasing role of national human rights institutions in assisting internally displaced persons and in promoting and protecting their human rights;

19. *Welcomes* the initiatives undertaken by regional organizations, such as the African Union, the Organization of American States, the Organization for Security and Cooperation in Europe, the Council of Europe and the Economic Community of West African States, to address the assistance, protection and development needs of internally displaced persons and encourages them and other regional organizations to strengthen their activities and their cooperation with the Representative of the Secretary-General;

20. *Also welcomes* the attention paid by relevant special rapporteurs, working groups, experts and treaty bodies to issues of internal displacement, and calls upon them to continue to seek information on situations which have already created or could create internal displacement and to include relevant information and recommendations thereon in their reports and make them available to the Representative of the Secretary-General;

21. *Calls upon* the United Nations High Commissioner for Human Rights, in cooperation with Governments and national human rights institutions, the Representative of the Secretary-General and with other relevant parts of the United Nations system, to continue to promote the human rights of internally displaced persons, to enhance their protection on the ground and to develop projects to address their plight as part of the programme of advisory services and technical cooperation, including in the areas of human rights education, training and assistance in legislative and policy development, and to provide information thereon to the Representative for inclusion in his report to the Commission;

22. *Notes* the relevance of the global internally displaced persons database, advocated by the Representative of the Secretary-General, and encourages the members of the Inter-Agency Standing Committee and Governments to continue to collaborate on and support this effort, including by providing relevant data on situations of internal displacement and financial resources;

23. *Requests* the Secretary-General to provide his Representative, from within existing resources, with all necessary assistance to carry out his mandate effectively, and encourages the Representative of the Secretary-General to continue to seek the contribution of States, relevant organizations and institutions in order to put his work on a more stable basis;

24. *Requests* the Representative of the Secretary-General to continue to report on his activities to the General Assembly and to the Commission;

25. *Decides* to continue its consideration of the question of internal displacement at its sixtieth session.

59th meeting
23 April 2003
[Adopted without a vote. See chap. XIV.]

2003/52. Human rights and mass exoduses

The Commission on Human Rights,

Deeply disturbed by the scale and magnitude of exoduses and displacements of people in many regions of the world and by the human suffering of refugees and displaced persons, a high proportion of whom are women and children,

Recalling its previous relevant resolutions on this subject, as well as those of the General Assembly, and the conclusions of the World Conference on Human Rights, which recognized, inter alia, that gross violations of human rights, including in armed conflicts, persecution, political and ethnic conflicts, famine and economic insecurity, poverty and generalized violence are among the multiple and complex factors leading to the mass exodus and displacement of people,

Recalling also relevant human rights standards, including article 14 of the Universal Declaration of Human Rights and the principles of international protection for refugees, including the general conclusions on international protection of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees,

Mindful of the three reports of the Secretary-General on the protection of civilians in armed conflict (S/1999/957, S/2001/331 and S/2002/1300), and the recommendations made therein, as well as Security Council resolutions 1265 (1999) of 17 September 1999 and 1296 (2000) of 19 April 2000 and the aide-mémoire that the Council adopted on 15 March 2002 on that subject (S/PRST/2002/6, annex), *Stressing* the importance of adherence to international humanitarian, human rights and refugee law in order to avert mass exoduses and displacements and to protect refugees and internally displaced persons, and expressing its deep concern at the lack of respect for those laws and principles, especially during armed conflict, inter alia the denial of full, safe and unimpeded access to displaced persons,

Reaffirming the primary responsibility of States to ensure the protection within their own territories of refugees, as well as internally displaced persons,

Recognizing that acts of deportation or forcible transfer of populations which, inter alia, lead to or result from mass exoduses and displacements, are included as crimes against humanity in the Rome Statute of the International Criminal Court (A/CONF.183/9), and recognizing also the importance of ending impunity for perpetrators of such crimes,

Recognizing also that the human rights machinery of the United Nations, including the mechanisms of the Commission and the human rights treaty bodies, has important capabilities to address human rights violations which cause movements of refugees and displaced persons or prevent durable solutions to their plight,

Recognizing further the complementarity between the systems for the protection of human rights and for humanitarian action, in particular the mandates of the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees, as well as the work of the Office for the Coordination of Humanitarian Affairs, the Representative of the Secretary-General on internally displaced persons and the Special Representative of the Secretary-General on the impact of armed conflict on children, and that cooperation between them, in accordance with their respective mandates, and coordination between the human rights, political and security components of United Nations operations make important contributions to the promotion and protection of human rights of persons forced into mass exodus and displacement,

Welcoming the process of the global consultations on international protection launched by the United National High Commissioner for Refugees in 2000 and the Agenda for Protection adopted by Member States as a result, and noting in this context, the discussions which took place on the protection of refugees in mass influx situations, including those relating to the problem of insecurity in refugee camps and the importance of refugee registration,

1. *Calls upon* all States to promote human rights and fundamental freedoms without discrimination, to refrain from denying these to individuals in their population because of nationality, ethnicity, race, gender, age, religion, political or other opinion, or language and, in so doing, to make a substantial contribution to addressing human rights situations that lead to or result from mass exoduses and displacements;

2. *Takes note with interest* of the report of the United Nations High Commissioner for Human Rights on human rights and mass exoduses (E/CN.4/2003/84);

3. *Reaffirms* the need for all Governments, intergovernmental bodies and concerned international organizations to intensify their cooperation and assistance to address human rights situations that lead to, as well as the serious protection problems that result from, mass exoduses of refugees and displaced persons;

4. *Emphasizes* the responsibility of all States and international organizations to cooperate with those countries, particularly developing countries, affected by mass exoduses of refugees and displaced persons, and calls upon Governments, the United Nations High Commissioner for Human Rights, the United Nations High Commissioner for Refugees, other relevant parts of the United Nations system and other humanitarian and development organizations to continue to respond to the assistance and protection needs which exist in countries hosting large numbers of refugees and displaced persons until durable solutions are found;

5. *Encourages* States that have not already done so to consider acceding to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, as far as possible without reservations, and to relevant regional instruments concerning refugees, as applicable, and other relevant international instruments of human rights and humanitarian law, and to take appropriate measures to disseminate and implement those instruments domestically in order to encourage compliance with provisions against arbitrary and forcible displacement and greater respect for the rights of those who flee;

6. *Calls upon* States to ensure effective protection of refugees by, inter alia, respecting the principle of non-refoulement and urges all States to promote and protect the human rights and fundamental freedoms of refugees and asylum-seekers;

7. *Also calls upon* States to ensure effective protection of, and assistance to, refugees and internally displaced persons, consistent with international law, including by ensuring full, safe and unhindered access by humanitarian workers to displaced populations and ensuring the security and civilian and humanitarian nature of camps and settlements for refugees and internally displaced persons;

8. *Urges* States to uphold the civilian and humanitarian character of asylum consistent with international law, inter alia through effective measures to prevent the infiltration of armed elements, to identify and separate any such armed elements from refugee populations, to settle refugees at safe locations and to afford prompt, safe and unhindered access to them by humanitarian workers, and notes in this regard conclusion no. 94 (LIII) adopted on 8 October 2002 by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees;

9. *Recognizes* that, in addition to the problems refugee and displaced women and girls share with all refugees and displaced persons, they are vulnerable to persecution, gender-based discrimination and gender-specific violations of human rights, and calls upon States to protect and promote and respect the human rights of refugee and displaced women and children, to ensure that their particular needs are met, and to ensure that women are full and equal participants in the planning, design, implementation, monitoring and evaluation of all projects and programmes;

10. *Expresses its grave concern* at allegations of sexual exploitation of and violence against refugees and internally displaced persons, condemns all instances of abuse and exploitation of such persons, and calls on all relevant agencies to ensure the effective implementation and monitoring of the Plan of Action on Protection from Sexual Exploitation and Abuse in Humanitarian Crises drawn up by the Inter-Agency Standing Committee and other relevant codes of conduct;

11. *Underscores* the importance of addressing protracted refugee situations and so-called forgotten emergencies and calls upon all States to promote conditions conducive to the voluntary return of refugees in safety and with dignity and to support the other two durable solutions of local integration or resettlement where appropriate;

12. *Welcomes* the efforts of the United Nations High Commissioner for Human Rights to contribute to the creation of an environment for a viable and sustainable return of refugees and displaced persons in post-conflict societies through initiatives such as the rehabilitation of the justice system, the creation of independent national institutions capable of defending human rights and broad-based programmes of human rights education and the strengthening of local non-governmental organizations through field presences and programmes of advisory services and technical cooperation, and calls on the Office of the United Nations High Commissioner for Human Rights to strengthen its efforts in these areas;

13. *Encourages* the United Nations High Commissioner for Human Rights, the United Nations High Commissioner for Refugees, other relevant components of the United Nations system, other humanitarian organizations and regional organizations to continue to cooperate within their respective mandates and in accordance with international law in the creation of an environment for a viable and sustainable return of refugees and displaced persons in post-conflict societies;

14. *Requests* the United Nations High Commissioner for Human Rights, in the exercise of his mandate and in cooperation with the United Nations High Commissioner for Refugees and the Representative of the Secretary-General on internally displaced persons, to pay particular attention to human rights situations which cause, threaten to cause or affect mass exoduses of populations and to contribute to efforts to address such situations effectively through promotion and protection measures, emergency preparedness and response mechanisms, early warning and information-sharing, technical advice and expertise and cooperation in countries of origin and host countries;

15. *Encourages* all United Nations bodies, including the human rights treaty bodies, acting within their mandates, and the specialized agencies, as well as governmental, intergovernmental and non-governmental organizations, and the special representatives, special rapporteurs and working groups of the Commission to pay particular attention to, to exchange information on and to provide the United Nations High Commissioner for Human Rights with all relevant information in their possession on human rights situations that create or affect refugees and displaced persons, for appropriate action in fulfilment of his mandate, in consultation with the United Nations High Commissioner for Refugees and the Representative of the Secretary-General;

16. *Welcomes with appreciation* the ongoing contributions of the United Nations High Commissioner for Human Rights, the United Nations High Commissioner for Refugees and the Representative of the Secretary-General to the deliberations of the Commission and to other international human rights bodies and mechanisms, invites them to exchange relevant information on mass exoduses and displacements with all United Nations bodies, including the human rights treaty bodies, acting within their mandates, and invites the United Nations High Commissioner for Refugees to address the Commission at each of its future sessions;

17. *Requests* the United Nations High Commissioner for Human Rights to prepare and submit to the Commission at its sixty-first session an analytical report on measures taken to implement the present resolution and obstacles to its implementation, including information on measures taken by the Office of the High Commissioner and other relevant United Nations bodies, taking into account information and comments provided by Governments, intergovernmental organizations, specialized agencies and non-governmental organizations;

18. *Also requests* the High Commissioner to include in his report, as an annex, a thematic compilation of relevant reports and resolutions of the Commission and the Sub-Commission on the Promotion and Protection of Human Rights;

19. *Decides* to continue its consideration of this question at its sixty-first session under the sub-item "Mass exoduses and displaced persons" of the agenda item entitled "Specific groups and individuals".

60th meeting
24 April 2003
[Adopted without a vote. See chap XIV.]

2003/53. Extrajudicial, summary or arbitrary executions

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person, and the relevant provisions of the International Covenant on Civil and Political Rights,

Mindful of the relevant General Assembly resolutions and of Commission resolutions on extrajudicial, summary or arbitrary executions,

Recalling Economic and Social Council resolution 1984/50 of 25 May 1984 and the safeguards guaranteeing protection of the rights of those facing the death penalty, annexed thereto, and Council resolution 1989/64 of 24 May 1989 on their implementation, as well as the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the General Assembly in its resolution 40/34 of 29 November 1985,

Recalling also Economic and Social Council resolution 1989/65 of 24 May 1989, in which the Council recommended the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, *Taking note* of the 89 ratifications or accessions by States and the 139 signatures by States of the Rome Statute of the International Criminal Court (A/CONF.183/9), as well as the entry into force of the Statute on 1 July 2002 and the inauguration of the Court on 11 March 2003,

Acknowledging that extrajudicial, summary or arbitrary executions are crimes under the Rome Statute,

Convinced of the need for effective action to combat and to eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represent a flagrant violation of the inherent right to life,

Dismayed that in a number of countries impunity, the negation of justice, continues to prevail and often remains the main cause of the continued occurrence of extrajudicial, summary or arbitrary executions,

1. *Strongly condemns once again* all the extrajudicial, summary or arbitrary executions that continue to take place throughout the world;

2. *Notes with deep concern* that impunity continues to be a major cause of the perpetuation of violations of human rights, including extrajudicial, summary or arbitrary executions;

3. *Demands* that all States ensure that the practice of extrajudicial, summary or arbitrary executions is brought to an end and that they take effective action to combat and eliminate the phenomenon in all its forms;

4. *Reiterates* the obligation of all States to conduct exhaustive and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions, to identify and bring to justice those responsible, while ensuring the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law, to grant adequate compensation within a reasonable time to the victims or their families and to adopt all necessary measures, including legal and judicial measures, in order to bring an end to impunity and to prevent the recurrence of such executions, as stated in the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions;

5. *Reaffirms* the obligation of States to ensure the protection of the inherent right to life of all persons under their jurisdiction and calls upon States concerned to investigate promptly and thoroughly all cases of killings committed in the name of passion or in the name of honour, all killings committed for any discriminatory reason, including sexual orientation; racially motivated violence leading to the death of the victim; killings of members of national, ethnic, religious or linguistic minorities, of refugees, of internally displaced persons, of street children or of members of indigenous communities; killings of persons for reasons related to their activities as human rights defenders, lawyers, journalists or as demonstrators, in particular as a consequence of their exercise of the right to freedom of opinion and expression; as well as other cases where a person's right to life has been violated, all of which are being committed in various parts of the world, and to bring those responsible to justice before a competent,

independent and impartial judiciary, and to ensure that such killings, including those committed by security forces, police and law enforcement agents, paramilitary groups or private forces, are neither condoned nor sanctioned by government officials or personnel;

6. *Calls upon* all States in which the death penalty has not been abolished to comply with their obligations as assumed under relevant provisions of international human rights instruments, including in particular articles 6, 7 and 14 of the International Covenant on Civil and Political Rights and articles 37 and 40 of the Convention on the Rights of the Child, bearing in mind the safeguards and guarantees set out in Economic and Social Council resolutions 1984/50 and 1989/64;

7. *Urges* all States to undertake all necessary and possible measures, in conformity with human rights law and international humanitarian law, to prevent loss of life, in particular that of children, during situations of all forms of public demonstrations, internal and communal violence, civil unrest and public emergency or armed conflicts, and to ensure that the police and security forces receive thorough training in human rights matters, in particular with regard to restrictions on the use of force and firearms in the discharge of their functions;

8. *Stresses* the importance of States taking effective measures to end impunity with regard to extrajudicial, summary or arbitrary executions, inter alia through the adoption of preventive measures, and calls upon States to ensure that such measures are included in post-conflict peace-building efforts;

9. *Encourages* States, United Nations organs and bodies, the specialized agencies and intergovernmental and non-governmental organizations, as appropriate, to initiate, coordinate or support programmes designed to train and educate military forces, law enforcement officers and government officials, as well as members of United Nations peacekeeping or observer missions, on human rights and humanitarian law issues connected with their work, and appeals to the international community to support endeavours to that end;

10. *Appeals* to all States to ensure that all persons deprived of their liberty are treated with humanity and with respect for the inherent dignity of the human person and that conditions in places of detention conform to the Standard Minimum Rules for the Treatment of Prisoners and, where applicable, to the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977 in relation to the treatment of prisoners in armed conflicts, as well as to other pertinent international instruments;

11. *Takes note* of the report of the Special Rapporteur (E/CN.4/2003/3 and Corr.1, Add.1 and Add.1/Corr.1, and Add.2-4), including the attention given therein to specific categories of victims who are particularly vulnerable or have been directly targeted for extrajudicial, summary or arbitrary executions, as well as the concluding remarks and recommendations contained therein, and invites States to give them due consideration;

12. *Commends* the important role the Special Rapporteur continues to play towards the elimination of extrajudicial, summary or arbitrary executions and encourages the Special Rapporteur to continue, within the mandate as defined in Commission resolution 2001/45 of 23 April 2001, to collect information from all concerned, to respond effectively to reliable

information that comes before her, to follow up on communications and country visits and to seek the views and comments of Governments and to reflect them as appropriate in the elaboration of her reports;

13. *Strongly urges* all States to cooperate with and assist the Special Rapporteur so that her mandate may be carried out effectively, including, where appropriate, by issuing invitations to the Special Rapporteur when she so requests, in keeping with the usual terms of reference for missions by special rapporteurs of the Commission on Human Rights and to respond to the communications transmitted to them by the Special Rapporteur;

14. *Expresses its appreciation* to those States that have invited the Special Rapporteur to visit their countries, asks them to examine carefully the recommendations made by the Special Rapporteur, invites them to report to the Special Rapporteur on the actions taken on those recommendations and requests other States, including those mentioned in the report of the Special Rapporteur, to cooperate in a similar way;

15. *Expresses its concern* that a number of States mentioned in the report of the Special Rapporteur have not replied to specific allegations, based on credible information, and reports of extrajudicial, summary or arbitrary executions transmitted to them by the Special Rapporteur;

16. *Urges* the Special Rapporteur to continue to draw to the attention of the United Nations High Commissioner for Human Rights such situations of extrajudicial, summary or arbitrary execution as are of particularly serious concern to her or where early action might prevent further deterioration;

17. *Welcomes* the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures in the field of human rights and encourages the Special Rapporteur to continue efforts in this regard;

18. *Requests again* the Secretary-General to provide the Special Rapporteur with adequate human, financial and material resources in order to enable her to carry out her mandate effectively, including through country visits;

19. *Also requests* the Secretary-General and the High Commissioner to continue to use their best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 7, 9, 14 and 15 of the International Covenant on Civil and Political Rights appears not to be respected;

20. *Further requests* the Secretary-General to continue, in close collaboration with the High Commissioner, in conformity with his mandate, as established by the General Assembly in its resolution 48/141 of 20 December 1993, to ensure that personnel specialized in human rights and humanitarian law issues form part of United Nations missions, where appropriate, in order to deal with serious human rights violations, such as extrajudicial, summary or arbitrary executions;

21. *Decides* to consider the question of extrajudicial, summary or arbitrary executions as a matter of priority at its sixtieth session under the same agenda item.

60th meeting
24 April 2003
[Adopted by a recorded vote of 37 votes to none,
with 16 abstentions. See chap. XI.]

2003/54. Elimination of all forms of religious intolerance

The Commission on Human Rights,

Recalling that all States have pledged themselves, under the Charter of the United Nations, to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling also General Assembly resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling further article 18 of the International Covenant on Civil and Political Rights, article 18 of the Universal Declaration of Human Rights, paragraph 4 of the United Nations Millennium Declaration and other relevant human rights provisions,

Reaffirming the call, made 10 years ago in Vienna by the World Conference on Human Rights, upon all Governments to take all appropriate measures in compliance with their international obligations and with due regard to their respective legal systems to counter intolerance and related violence based on religion or belief, including practices of discrimination against women and the desecration of religious sites, recognizing that every individual has the right to freedom of thought, conscience, expression and religion,

Noting provisions of the Durban Declaration and Programme of Action (A/CONF.189/12) aimed at combating religious intolerance,

Recalling General Assembly resolution 56/6 of 9 November 2001 on a Global Agenda for Dialogue among Civilizations, in which the Assembly recognized the valuable contribution that dialogue among civilizations can make to an improved awareness and understanding of the common values shared by all humankind,

Emphasizing that the right to freedom of thought, conscience, religion and belief is far-reaching and profound and that it encompasses freedom of thought on all matters, personal conviction and the commitment to religion or belief, whether manifested individually or in community with others, in public or in private,

Underlining the importance of education in the promotion of tolerance, which involves the acceptance of, and respect for, diversity and also underlining that education, in particular at school, should contribute in a meaningful way to promoting tolerance and the elimination of discrimination based on religion or belief, *Recalling* the importance of the International Consultative Conference on School Education in Relation to Freedom of Religion or Belief, Tolerance and Non-Discrimination held in Madrid in November 2001, and inviting Governments to give consideration to the Final Document adopted at the Conference,

Alarmed that serious instances of intolerance and discrimination on the grounds of religion or belief, including acts of violence, intimidation and coercion motivated by religious intolerance, continue to occur in many parts of the world and threaten the enjoyment of human rights and fundamental freedoms,

Deeply concerned at the overall rise in intolerance and discrimination, including acts of violence, against persons belonging to religious minorities in all parts of the world, including restrictive legislation and arbitrary application of legislation and other measures,

Profoundly concerned at the extreme situations of violence and discrimination that affect many women as a result of religion or belief,

Concerned also at the rise in religious extremism affecting religions in all parts of the world,

Recognizing with deep concern the overall rise in instances of intolerance directed against members of many religious communities in various parts of the world, including cases motivated by Islamophobia and anti-Semitism,

Seriously concerned at all attacks upon religious places, sites and shrines, including any deliberate destruction of relics and monuments,

Believing that further intensified efforts are therefore required to promote and protect the right to freedom of thought, conscience, religion or belief and to eliminate all forms of hatred, intolerance and discrimination based on religion or belief,

1. *Takes note with appreciation* of the report of the Special Rapporteur on freedom of religion or belief (E/CN.4/2003/66 and Add.1);

2. *Condemns* all forms of intolerance and of discrimination based on religion or belief;

3. *Encourages* the efforts made by the United Nations High Commissioner for Human Rights to coordinate in the field of human rights the activities of relevant United Nations organs, bodies, and mechanisms dealing with all forms of intolerance and of discrimination based on religion or belief;

4. *Urges* States:

(*a*) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without distinction, inter alia by the provision of effective remedies in cases where the right to freedom of thought, conscience, religion or belief, the right to practise freely one's religion, including the right to change one's religion or belief, is violated;

(*b*) To ensure, in particular, that no one within their jurisdiction is deprived of the right to life or the right to liberty and security of person because of religion or belief, or is subjected to torture or arbitrary arrest or detention on that account, and to bring to justice all perpetrators of violations of these rights;

(*c*) In conformity with international human rights standards, to take all necessary action to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, with particular regard to religious minorities, and also to devote particular attention to practices which violate the human rights of women and discriminate against women including in the exercise of their right to freedom of thought, conscience, religion or belief;

(*d*) To recognize the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes;

(*e*) To exert the utmost efforts, in accordance with their national legislation and in conformity with international human rights standards, to ensure that religious places, sites and shrines are fully respected and protected and to take additional measures in cases where they are vulnerable to desecration or destruction;

(*f*) To ensure that all public officials and civil servants, including members of law enforcement bodies, the military and educators, in the course of their official duties, respect different religions and beliefs and do not discriminate on the grounds of religion or belief, and that all necessary and appropriate education or training is provided;

(*g*) To promote and encourage, through education and other means, understanding, tolerance and respect in all matters relating to freedom of religion or belief;

5. *Emphasizes* that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others, and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion;

6. *Encourages* the continuing efforts of the Special Rapporteur to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief and to recommend remedial measures as appropriate;

7. *Stresses* the need for the Special Rapporteur to continue to apply a gender perspective, inter alia through the identification of gender-specific abuses, in the reporting process, including in information collection and in recommendations;

8. *Urges* all Governments to cooperate fully with the Special Rapporteur and to respond favourably to his request to visit their countries so as to enable him to fulfil his mandate even more effectively, and in this context welcomes the initiatives of Governments to collaborate with the Special Rapporteur;

9. *Welcomes* the work of the Special Rapporteur and reiterates the need for him to be able to respond effectively to credible and reliable information that comes before him, and invites him to continue to seek the views and comments of Governments concerned in the elaboration of his report, as well as to continue to carry out his work with discretion, objectivity and independence;

10. *Recognizes* that the exercise of tolerance and non-discrimination by all actors in society is necessary for the full realization of the aims of the Declaration on the Elimination of All Forms of Discrimination Based on Religion or Belief and invites Governments, religious bodies and civil society to continue to undertake dialogue at all levels to promote greater tolerance, respect and understanding of freedom of religion and belief;

11. *Emphasizes* the importance of a continued and strengthened dialogue among religions or beliefs, encompassed in the dialogue among civilizations, to promote greater tolerance, respect and mutual understanding;

12. *Urges* States to make all appropriate efforts to encourage those engaged in teaching to cultivate respect for all religions or beliefs, thereby promoting mutual understanding and tolerance;

13. *Welcomes and encourages* the continuing efforts of non-governmental organizations and religious bodies and groups to promote the implementation of the Declaration on the Elimination of All Forms of Discrimination Based on Religion or Belief, and further encourages their work in promoting freedom of religion or belief and in highlighting cases of religious intolerance, discrimination and persecution;

14. *Recommends* that the United Nations and other actors, in their efforts to promote freedom of religion or belief, ensure the widest possible dissemination of the text of the Declaration, in as many different languages as possible, by United Nations information centres, as well as by other interested bodies;

15. *Decides* to continue its consideration of measures to implement the Declaration;

16. *Requests* the Secretary-General to ensure that the Special Rapporteur receives the necessary resources to enable him to discharge his mandate fully;

17. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its fifty-eighth session and to report to the Commission at its sixtieth session;

18. *Decides* to consider the question of the elimination of all forms of religious intolerance at its sixtieth session under the same agenda item.

60th meeting
24 April 2003
[Adopted by a recorded vote of 51 votes to none,
with 2 abstentions. See chap. XI.]

2003/55. Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights

The Commission on Human Rights,

Taking note of resolution 2002/17 of 14 August 2002 of the Sub-Commission on the Promotion and Protection of Human Rights and of the report of the Working Group on Indigenous Populations on its twentieth session (E/CN.4/Sub.2/2002/24), in particular, its programme of work,

Noting that the respective mandates of the Working Group on Indigenous Populations of the Sub-Commission, the Permanent Forum on Indigenous Issues and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people of the Commission are complementary and do not give rise to duplication,

Considering the continuing need for the Working Group on account of its present mandate, which is distinct from those of the Permanent Forum and the Special Rapporteur,

1. *Endorses* the recommendations made by the Sub-Commission on the Promotion and Protection of Human Rights in its resolutions 2002/17 and 2002/21 of 14 August 2002 (E/CN.4/2003/2-E/CN.4/Sub.2/2002/46, chap. I, draft decisions 5 and 8);

2. *Recommends* that the Economic and Social Council take duly into account the contents of the present resolution when holding, at its substantive session of July 2003, the review of all existing mechanisms, procedures and programmes within the United Nations concerning indigenous issues mandated in paragraph 8 of Council resolution 2000/22 of 28 July 2000 and Council decision 2002/286 of 25 July 2002.

60th meeting
24 April 2003
[Adopted by a recorded vote of 34 votes to 15,
with 4 abstentions. See chap. XV.]

2003/56. Human rights and indigenous issues

The Commission on Human Rights,

Bearing in mind that one of the purposes of the United Nations, as set forth in the Charter of the United Nations, is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights, that all are entitled to equal protection against any discrimination and that everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind, such as race, colour, sex, language, religion, national origin, birth or other status, *Recalling* the 1989 Convention concerning indigenous and tribal peoples in independent countries (No. 169) of the International Labour Organization,

Guided by the relevant norms and standards of international human rights law, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Elimination of All Forms of Discrimination against Women,

Bearing in mind the recommendations of the World Conference on Human Rights held in Vienna in June 1993,

Welcoming the provisions relevant to this resolution contained in the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12) on 8 September 2001, in Durban, South Africa,

Being attentive to the developments of the working group of the Commission to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994,

Recalling that the objective of the International Decade of the World's Indigenous People is the strengthening of international cooperation for the solution of the problems they face in areas such as human rights, the environment, development, education and health,

Underlining the importance of concluding, at the latest in 2004, the "Draft United Nations declaration on the rights of indigenous peoples", for consideration and adoption by the General Assembly, prior to the conclusion of the Decade,

Noting with satisfaction the holding of the first session of the Permanent Forum on Indigenous Issues, a subsidiary organ of the Economic and Social Council, held in New York in May 2002, and recalling that the mandate of the Permanent Forum consists of discussing indigenous issues within the mandate of the Council relating to economic and social development, culture, the environment, education, health and human rights,

Taking into account the mandate of the Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights to review developments pertaining to the promotion and protection of their human rights and fundamental freedoms, giving special attention to the evolution of standards concerning their rights,

Recalling its resolution 2002/65 of 25 April 2002,

Deeply concerned about the precarious levels of economic and social development that indigenous people endure in many parts of the world, and the disparities in their situation in comparison to the overall population, as well as about the persistence of grave violations of their human rights,

Reaffirming the urgent need to recognize, promote and protect more effectively the human rights and fundamental freedoms of indigenous people, *Encouraged* by the renewed commitment and growing interest of the international community in the full and effective protection of the human rights of indigenous people,

Welcoming the document that the General Assembly adopted in its resolution S-27/2 of 10 May 2002, at its twenty-seventh special session, on children, and the commitments contained therein to promote and protect the human rights of indigenous children, and noting with satisfaction that at its second session the Permanent Forum on Indigenous Issues will focus on the theme "Indigenous children and youth",

Welcoming also the outcome of the World Summit on Sustainable Development and the attention given to indigenous issues in this respect,

Welcoming further the recommendations on the role of telecommunications in economic and sociocultural development of indigenous peoples made by the World Telecommunication Development Conference, held in Istanbul, Turkey, in March 2002,

1. *Welcomes* the second report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (E/CN.4/2003/90 and Add.1-3), submitted pursuant to Commission resolution 2002/65;

2. *Encourages* the Special Rapporteur to continue to examine ways and means of overcoming existing obstacles to the full and effective protection of the human rights and fundamental freedoms of indigenous people, in conformity with his mandate as contained in Commission resolution 2001/57;

3. *Requests* the Special Rapporteur, in performing his work, to consider the recommendations of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on matters concerning his mandate;

4. *Also requests* the Special Rapporteur, in carrying out his mandate and within the framework of the Universal Declaration of Human Rights and all other international human rights instruments, to request, receive and exchange information on violations of the human rights of indigenous people, wherever they may occur, from Governments, United Nations human rights treaty bodies, specialized agencies, special mechanisms of the Commission and the Sub-Commission on the Promotion and Protection of Human Rights, as well as from intergovernmental organizations, other relevant organizations of the United Nations system and civil society, including indigenous organizations, and to respond effectively to such information;

5. *Further requests* the Special Rapporteur to continue working on the topics included in his first report, in particular, those that impact on the situation of the human rights and fundamental freedoms of indigenous people, which may contribute to advancing the debate on fundamental issues of the "Draft United Nations declaration on the rights of indigenous peoples";

6. *Invites* the Special Rapporteur, in carrying out his task, to take into account all the recommendations of the Permanent Forum on Indigenous Issues and of the Working Group on Indigenous Populations of the Sub-Commission relevant to his mandate;

7. *Requests* the Office of the United Nations High Commissioner for Human Rights to facilitate the attendance of the Special Rapporteur at the second annual session of the Permanent Forum on Indigenous Issues to be held at United Nations Headquarters in May 2003;

8. *Reiterates* the invitation to the Special Rapporteur to pay special attention to violations of the human rights and fundamental freedoms of indigenous children and women, and to take into account a gender perspective;

9. *Requests* all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, to furnish all information requested and to react promptly to his urgent appeals;

10. *Welcomes* the initial official visits of the Special Rapporteur and encourages Governments to respond positively to a request by the Special Rapporteur to visit their country;

11. *Takes note* of the intention of the Office of the High Commissioner to organize, making use of voluntary contributions, a seminar on the administration of justice to assist the Special Rapporteur in examining the main topic of his annual report for 2004, with the participation of governmental, indigenous, non-governmental and independent experts;

12. *Encourages* the United Nations, including its specialized agencies, regional intergovernmental organizations, Governments, independent experts, interested institutions, non-governmental organizations and, in particular, indigenous people to cooperate to the fullest extent possible with the Special Rapporteur in the fulfilment of his mandate;

13. *Encourages* the World Summit on the Information Society to take indigenous issues duly into account in its declaration of principles and action plan and in all other relevant programmes to be adopted by the World Summit, to be held in Geneva in 2003 and Tunis in 2005;

14. *Urges* those States that have not yet done so to consider, as a matter of priority, signing, ratifying or acceding to the 1989 Convention concerning indigenous and tribal peoples in independent countries (No. 169);

15. *Urges* all States, in this context, to fulfil the commitments relevant to the present resolution made in the Durban Declaration and Programme of Action;

16. *Requests* the Special Rapporteur to submit a report on his activities to the Commission at its sixtieth session;

17. *Requests* the Secretary-General and the High Commissioner to provide all the necessary human, technical and financial assistance to the Special Rapporteur for the fulfilment of his mandate;

18. *Decides* to consider the follow-up to this question, as a matter of priority, at its sixtieth session, under the same agenda item.

60th meeting
24 April 2003
[Adopted without a vote. See chap. XV.]

2003/57. Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994

The Commission on Human Rights,

Bearing in mind General Assembly resolution 47/75 of 14 December 1992 and Part II, paragraph 28, of the Vienna Declaration and Programme of Action (A/CONF.157/23),

Reaffirming its resolution 1995/32 of 3 March 1995, in which it established an open-ended intersessional working group with the sole purpose of elaborating a draft declaration, considering the draft contained in the annex to resolution 1994/45 of 26 August 1994 of the Sub-Commission on the Promotion and Protection of Human Rights, entitled "Draft United Nations declaration on the rights of indigenous peoples", for consideration and adoption by the General Assembly within the International Decade of the World's Indigenous People,

Underlining the importance of concluding, at the latest in 2004, the draft United Nations declaration on the rights of indigenous peoples for consideration and adoption by the General Assembly prior to the conclusion of the Decade,

Reaffirming in particular that the invitation contained in Commission resolution 1995/32 was addressed to organizations of indigenous people seeking authorization to participate in the Working Group,

Recognizing that organizations of indigenous people have special knowledge and understanding of the current situation of the world's indigenous people and their human rights needs,

Recalling General Assembly resolution 49/214 of 23 December 1994, in which the Assembly encouraged the Commission to consider the draft declaration with the participation of representatives of indigenous people, on the basis of and in accordance with appropriate procedures to be determined by the Commission,

Welcoming the progress made in the process of drafting a declaration on the rights of indigenous people and emphasizing the importance and special nature of such a draft declaration as an instrument specifically for promoting the rights of indigenous people,

Recalling the need for the Working Group to consider all aspects of the draft declaration, including its scope of application,

1. *Takes note* of the report of the Working Group (E/CN.4/2003/92 and Add.1) and welcomes the continuation and positive nature of the deliberations of the Working Group, particularly the measures taken to ensure effective input by organizations of indigenous people;

2. *Expresses its appreciation* for the work of the Economic and Social Council in considering applications from organizations of indigenous people to participate in the Working Group under the procedures set out in the annex to Commission resolution 1995/32;

3. *Welcomes* the decisions of the Council approving the participation of organizations of indigenous people in the work of the Working Group and urges the Council to process all pending applications as soon as possible, taking strictly into account the procedures set out in the annex to Commission resolution 1995/32;

4. *Recommends* that the Working Group meet for 10 working days prior to the sixtieth session of the Commission, the cost of the meeting to be met from within existing resources;

5. *Invites* the Chairperson-Rapporteur of the Working Group to undertake inquiries with the Office of the United Nations High Commissioner for Human Rights to determine the possibility of convening additional meetings of the Working Group, within existing resources, with a view to facilitating progress in drafting a declaration on the rights of indigenous people;

6. *Encourages* all interested States to participate in an informal intersessional meeting to consider the clusters of articles noted in paragraph 78 of the report of the Working Group (E/CN.4/2003/92) and requests the Chairperson-Rapporteur of the Working Group to ensure that the outcome of this informal intersessional meeting is made available to all interested parties prior to the next session of the Working Group;

7. *Encourages* organizations of indigenous people which are not already registered to participate in the Working Group and which wish to do so to apply for authorization in accordance with the procedures set out in the annex to Commission resolution 1995/32;

8. *Requests* the Working Group to submit a progress report for consideration by the Commission at its sixtieth session under the agenda item entitled "Indigenous issues";

9. *Recommends* the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 16.]

60th meeting
24 April 2003
[Adopted without a vote. See chap. XV.]

2003/58. Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights and the International Decade of the World's Indigenous People

The Commission on Human Rights,

Recalling its previous resolutions on the Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights and the International Decade of the World's Indigenous People, in particular resolution 1997/32 of 11 April 1997, *Recalling also* Economic and Social Council resolution 1982/34 of 7 May 1982, in which the Council authorized the Sub-Commission to establish annually a working group on indigenous populations with the mandate to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous people, giving special attention to the evolution of standards concerning the rights of indigenous people,

Affirming its recognition of the value and diversity of the cultures and forms of social organization of indigenous people and that the development of indigenous people within their countries will contribute to the socio-economic, cultural and environmental advancement of all the countries of the world,

Recalling that the goal of the Decade is to strengthen international cooperation for the solution of problems faced by indigenous people in such areas as human rights, the environment, development, education and health, and that the theme of the Decade is "Indigenous people: partnership in action",

Recognizing the importance of consultation and cooperation with indigenous people in planning and implementing the programme of activities for the Decade, the need for adequate financial support from the international community, including support from within the United Nations and the specialized agencies, and the need for adequate coordination and communication channels,

Mindful of the decision by the General Assembly in its resolution 49/214 of 23 December 1994 to observe the International Day of the World's Indigenous People on 9 August every year,

Mindful also that the Economic and Social Council will consider at its substantive session of 2003 the review mandated in paragraph 8 of Council resolution 2000/22 of 28 July 2000 regarding all existing mechanisms, procedures and programmes within the United Nations concerned with indigenous issues, including the Working Group on Indigenous Populations,

Recalling in this regard Economic and Social Council decision 2002/286 of 25 July 2002,

I. REPORT OF THE WORKING GROUP ON INDIGENOUS POPULATIONS OF THE SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

1. *Takes note* of the report of the Sub-Commission on the Promotion and Protection of Human Rights (E/CN.4/2003/2-E/CN.4/Sub.2/2002/46) and of the report of the Working Group on Indigenous Populations on its twentieth session (E/CN.4/Sub.2/2002/24);

2. *Notes* that the Working Group is engaged in a comprehensive review of developments and of the diverse situations and aspirations of the world's indigenous people and that at its twenty-first session the Working Group will focus on the theme "Indigenous peoples and globalization", and invites Governments, intergovernmental organizations and indigenous and non-governmental organizations to provide information and data on this theme to the Working Group at its twenty-first session;

3. *Invites* the Working Group to take into account in its deliberations on developments pertaining to the promotion and protection of the human rights of indigenous people the work, within the framework of their respective mandates, of the Permanent Forum on Indigenous Issues, all thematic special rapporteurs, special representatives, independent experts, working groups and expert seminars as it pertains to the situation of indigenous people;

4. *Recommends* that the Economic and Social Council authorize the Working Group to meet for five working days prior to the fifty-fifth session of the Sub-Commission;

5. *Invites* the Working Group to continue its consideration of ways in which the expertise of indigenous people can contribute to the work of the Working Group, and encourages initiatives by Governments, organizations of indigenous people and non-governmental organizations to ensure the full participation of indigenous people in the activities related to the tasks of the Working Group;

6. *Requests* the Secretary-General:

(*a*) To provide adequate resources and assistance to the Working Group in the discharge of its tasks, including adequate dissemination of information about the activities of the Working Group to Governments, specialized agencies, non-governmental organizations and organizations of indigenous people, in order to encourage the widest possible participation in its work;

(*b*) To transmit the reports of the Working Group to Governments, organizations of indigenous people and intergovernmental and non-governmental organizations, as soon as possible, for specific comments and suggestions;

7. *Recalls* General Assembly resolution 56/140 of 19 December 2001, which expanded the mandate of the United Nations Voluntary Fund for Indigenous Populations to ass representatives of indigenous communities and organizations in attending the sessions of the Permanent Forum, and appeals to all Governments, organizations and individuals in a position to do so to consider contributing to the Fund, if possible with a substantial increase in the level of contributions;

II. INTERNATIONAL DECADE OF THE WORLD'S INDIGENOUS PEOPLE

8. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the implementation of the programme of activities for the International Decade of the World's Indigenous People (E/CN.4/2003/91);

9. *Invites* the Working Group on Indigenous Populations to continue its review of activities undertaken during the Decade and encourages Governments and intergovernmental and non-governmental organizations to provide information on the implementation of the goals of the Decade, in accordance with paragraph 16 of the annex to General Assembly resolution 50/157 of 21 December 1995;

10. *Welcomes* the affirmation by the General Assembly that a major objective of the Decade is the adoption of a declaration on the rights of indigenous people and calls for the early conclusion of the important negotiations on this matter;

11. *Welcomes* the holding of the historic first session of the Permanent Forum on Indigenous Issues in New York in May 2002 and looks forward to the convening of the second annual session from 12 to 23 May 2003, and encourages all parties concerned, including all mechanisms, procedures and programmes of the United Nations concerned with indigenous issues, to continue efforts to secure, from within existing resources, an adequately funded and well-functioning Forum that reflects its broad mandate, including through the provision of adequate secretariat support;

12. *Requests* the High Commissioner, in his capacity as Coordinator of the Decade, to submit an updated annual report reviewing activities within the United Nations system under the programme of activities for the Decade to the Commission on Human Rights at its sixtieth session under the agenda item entitled "Indigenous issues", in accordance with the request by the General Assembly to the Secretary-General;

13. *Notes* that, in his report, the High Commissioner, in his capacity as Coordinator of the Decade, reviews the implementation of the programme of activities of the Decade, takes note of the information contained therein about the activities of the United Nations system, including the specialized agencies, and other intergovernmental activities relating to indigenous people and urges all parties concerned to intensify their efforts to achieve the goals of the Decade;

14. *Emphasizes* the important role of international cooperation in promoting the goals and activities of the Decade and the rights, well-being and sustainable development of indigenous people;

15. *Appeals* to all Governments, organizations and individuals in a position to do so to support the Decade by contributing to the Voluntary Fund for the International Decade of the World's Indigenous People;

16. *Encourages* Governments, as appropriate, recognizing the importance of action at the national level for the implementation of the goals and activities of the Decade, to support the Decade, in consultation with indigenous people, by:

(*a*) Preparing relevant programmes, plans and reports in relation to the Decade and establishing national committees or other mechanisms involving indigenous people to ensure that the objectives and activities of the Decade are planned and implemented on the basis of full partnership with indigenous people;

(*b*) Seeking means of giving indigenous people greater responsibility for their own affairs and an effective voice in decisions on matters which affect them;

(*c*) Identifying resources for activities designed to implement the goals of the Decade;

17. *Appeals* to intergovernmental and non-governmental organizations to support the Decade by identifying resources for activities designed to implement the goals of the Decade, in cooperation with indigenous people;

18. *Encourages* Governments to consider contributing, as appropriate, in support of the achievement of the goals of the Decade, to the Fund for the Development of Indigenous Peoples of Latin America and the Caribbean;

19. *Requests* the High Commissioner to ensure that the indigenous people's unit in the Office of the United Nations High Commissioner for Human Rights is adequately staffed and resourced to enable the activities of the Decade to be effectively implemented;

20. *Recommends* that the High Commissioner, when developing programmes within the framework of the International Decade of the World's Indigenous People and the United Nations Decade for Human Rights Education, give due regard to the continued development of human rights training for indigenous people;

21. *Encourages* the High Commissioner to cooperate with the Department of Public Information in preparing and disseminating information on the International Decade of the World's Indigenous People, taking due care to portray accurately the information regarding indigenous people;

22. *Recalls* the report of the Special Rapporteur of the Sub-Commission on the Promotion and Protection of Human Rights entitled "Study on treaties, agreements and other constructive arrangements between States and indigenous populations" (E/CN.4/Sub.2/1999/20) and takes note of the information supplied in that regard by Governments, non-governmental organizations and indigenous people's organizations contained in the report of the High Commissioner;

23. *Invites* the United Nations financial and development institutions, operational programmes and specialized agencies, in accordance with the existing procedure of their governing bodies:

(*a*) To give increased priority and resources to improving the conditions of indigenous people, with particular emphasis on the needs of these people in developing countries, including through the preparation of specific programmes of action for the implementation of the goals of the Decade, within their areas of competence;

(*b*) To launch special projects, through appropriate channels and in collaboration with indigenous people, for strengthening their community-level initiatives, and to facilitate the exchange of information and expertise among indigenous people and other relevant experts;

(*c*) To designate focal points or other mechanisms for coordination with the High Commissioner of activities relating to the Decade and commends those organizations that have already done so;

24. *Recommends* that the situation of indigenous people be taken into account in forthcoming United Nations conferences of relevance, including the forthcoming World Summit on the Information Society, and welcomes the attention given to indigenous issues in the outcomes of the twenty-seventh special session of the General Assembly, on children, and the World Summit on Sustainable Development in this regard;

25. *Recalls* the recommendation of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance that the Secretary-General conduct an evaluation of the results of the Decade and make recommendations concerning how to mark the end of this Decade, including an appropriate follow-up, and requests the Secretary-General to begin the implementation of this evaluation;

26. *Recalls* Economic and Social Council decision 2001/316 of 26 July 2001 requesting the Secretary-General to seek information from Governments, non-governmental organizations, indigenous people's organizations, the Permanent Forum and all existing mechanisms, procedures and programmes within the United Nations concerned with indigenous issues, including the Working Group on Indigenous Populations, as a basis for holding the review mandated in paragraph 8 of Council resolution 2000/22 of 28 July 2000 as soon as possible and not later than the substantive session of 2003 of the Council;

27. *Requests* the Economic and Social Council to take fully into account the views provided in response to this request by Governments, non-governmental organizations, indigenous people's organizations, the Permanent Forum and all existing mechanisms, procedures and programmes within the United Nations concerned with indigenous issues, including those expressed in the report of the Working Group of Indigenous Populations and the report of the Sub-Commission;

28. *Decides* to consider the International Decade of the World's Indigenous People at its sixtieth session under the agenda item entitled "Indigenous issues".

60th meeting
24 April 2003
[Adopted without a vote. See chap. XV.]

2003/59. The work of the Sub-Commission on the Promotion and Protection of Human Rights

The Commission on Human Rights,

Recalling its previous relevant resolutions, in particular 1998/28 of 17 April 1998, 1999/81 of 28 April 1999, 2000/83 of 26 April 2000, 2001/60 of 24 April 2001 and 2002/66 of 25 April 2002, as well as the terms of reference of the Sub-Commission on the Promotion and Protection of Human Rights (formerly the Sub-Commission on the Prevention of Discrimination and Protection of Minorities) as set out in the relevant resolutions of the Commission on Human Rights, the Economic and Social Council, and the General Assembly, *Recalling also* the report of the Intersessional open-ended working group on enhancing the effectiveness of the mechanisms of the Commission on Human Rights (E/CN.4/2000/112), and reaffirming Commission decision 2000/109 of 26 April 2000,

Recalling further the rules of procedure of the functional commissions of the Economic and Social Council and other decisions and practices relating thereto, and Sub-Commission decision 1999/114 of 26 August 1999 by which it adopted guidelines for the application of the rules,

Bearing in mind the final working paper on the methods of work of the Sub-Commission (E/CN.4/Sub.2/1999/2),

Taking note of:

(*a*) The report of the Sub-Commission on its fifty-fourth session (E/CN.4/2003/2-E/CN.4/Sub.2/2002/46),

(*b*) The report of the Chairperson of the Sub-Commission on its fifty-fourth session (E/CN.4/2003/94),

1. *Reaffirms* its recognition of the valuable contribution made by the Sub-Commission, as a subsidiary body of the Commission, to the human rights work of the United Nations over the past fifty-six years;

2. *Recognizes* in particular the important contribution of the Sub-Commission and its thematic mechanisms to the development of a better understanding of human rights through the study of important issues, the elaboration of international human rights standards and the promotion and protection of human rights throughout the world, as well as the valuable contribution that Governments, intergovernmental organizations and non-governmental organizations have made to the success of the Sub-Commission;

3. *Decides* that the Sub-Commission can best assist the Commission by providing it with:

(*a*) Independent expert studies and working papers solely carried out by its members or alternates;

(*b*) Recommendations based on, and after full consideration of, these studies;

(*c*) Studies, research and expert advice at the request of the Commission, including proposals confirmed by the Commission which have been suggested by treaty bodies or other United Nations human rights bodies;

4. *Welcomes* the actions taken by the Sub-Commission at its fifty-fourth session to respond to recommendations by the Commission for the initiation of working papers and new studies;

5. *Also welcomes* the attention given by the Sub-Commission to economic, social and cultural rights, as well as its continued attention to civil and political rights;

6. *Further welcomes* the improved working methods of the Sub-Commission at its fifty-fourth as well as its fifty-third session at which it:

(*a*) Reformed, improved and streamlined its agenda to seven items;

(*b*) Held a closed joint meeting with the Expanded Bureau of the fifty-eighth session of the Commission;

(*c*) Drafted many of its resolutions in closed session rather than attempting to do so in public sessions;

7. *Takes note* of the report submitted by the Office of the United Nations High Commissioner for Human Rights pursuant to the request of the Commission in its resolution 2002/66 on possible ways and means of addressing the issues raised by the Sub-Commission and of improving the Commission's action on proposals of the Sub-Commission (E/CN.4/2003/95), and requests the Bureau of the Commission to study further, during its intersessional meetings, the proposals made by the Office of the High Commissioner and to formulate recommendations thereon for submission to the Commission;

8. *Reiterates and reaffirms*:

(*a*) Its decision that the Sub-Commission should not adopt country-specific resolutions, decisions or Chairperson's statements and, in negotiating and adopting thematic resolutions or decisions, should refrain from including references to specific countries;

(*b*) That the Sub-Commission should continue to be able to debate country situations not being dealt with in the Commission, as well as urgent matters involving serious violations of human rights in any country, and that its discussions would be reflected in the summary records of its debates, which should continue to be forwarded to the Commission;

9. *Recommends* that the Sub-Commission continue at its future sessions the successful innovations of the fifty-third session which were confirmed at the fifty-fourth session, in particular by:

(*a*) Having annual closed meetings with the Expanded Bureau of the fifty-ninth and subsequent sessions of the Commission, so as to exchange views aimed at improving cooperation between the two organs;

(*b*) Maintaining a streamlined agenda;

(*c*) Holding its discussions of its working rules, procedures and timetable in closed meeting;

(*d*) Drafting as many of its resolutions as possible in closed session, in view of the limited time available;

(*e*) Using the "question and answer" format and some expert panel discussions;

10. *Also recommends* that the Sub-Commission further improve its methods of work by:

(*a*) Focusing on its primary role as an advisory body to the Commission, specifically when its advice is requested by the Commission;

(*b*) Giving particular attention to the selection of studies specifically recommended by the Commission or proposals confirmed by the Commission which have been suggested by treaty bodies or other United Nations human rights bodies, at the same time focusing on how and when the implementation of existing standards can be improved;

(*c*) Respecting strictly the highest standards of impartiality and expertise and avoiding acts which would affect confidence in the independence of its members, in particular in situations where they could have a conflict of interest;

(*d*) Facilitating efficient and effective participation of non-governmental organizations;

(*e*) Giving full consideration to studies and working papers by special rapporteurs and its members before sending them to the Commission;

(*f*) Taking further steps to accomplish its work within a three-week session;

(*g*) Making proposals to the Commission on how it might assist the Sub-Commission in improving its work and vice versa;

(*h*) Focusing strictly on questions relating to human rights in accordance with its mandate;

(*i*) Avoiding duplication of its work with that being carried out by other competent bodies and mechanisms;

(*j*) Giving appropriate regard to legal opinions addressed to the Sub-Commission;

11. *Requests* States when nominating and electing members and alternates to the Sub-Commission:

(*a*) To be conscious of the strong concern to ensure that the body is independent and is seen to be so;

(*b*) To keep in mind the need for a balanced accommodation of the benefits of continuity and the importance of renewal;

(*c*) To select members with acknowledged expertise in human rights;

(*d*) To submit nominations, if possible, at least two months prior to the beginning of the session at which they will be elected, so as to enable the members of the Commission thoroughly to assess the qualifications and the independence of the nominees;

12. *Invites* the Secretary-General to give support to the Sub-Commission, inter alia by making available documentation in good time before each session in the official languages of the United Nations and assisting the Sub-Commission in requests for information from Governments and intergovernmental and non-governmental organizations, and reiterates that such requests, like all requests for concrete measures, must first have been approved by the Commission;

13. *Recommends* that the Chairperson of the Sub-Commission or his/her representative attend the meeting of special rapporteurs/representatives, experts and chairpersons of working groups of the special procedures of the Commission and the meeting of chairpersons of treaty bodies, so as to facilitate coordination between the Sub-Commission and other relevant bodies and procedures of the United Nations, in accordance with their respective mandates;

14. *Invites* the Chairperson of the fifty-ninth session of the Commission to address the Sub-Commission at the opening meeting of its fifty-fifth session and to inform it about the present resolution and the debate that took place on this subject at the fifty-ninth session of the Commission under agenda item 16;

15. *Also invites* the Chairperson of the fifty-fifth session of the Sub-Commission to report to the Commission at its sixtieth session, including an assessment of how recent enhancements of the effectiveness of the Sub-Commission and of its mechanisms have worked in practice;

16. *Decides* to consider the issue of the work of the Sub-Commission at its sixtieth session under the relevant agenda item.

61st meeting
24 April 2003
[Adopted without a vote. See chap. XVI.]

2003/60. Enhancement of international cooperation in the field of human rights

The Commission on Human Rights,

Bearing in mind that among the purposes of the United Nations are those of developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and taking other appropriate measures to strengthen universal peace, as well as achieving international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling the adoption of the United Nations Millennium Declaration by the General Assembly on 8 September 2000 and its own resolution 2002/86 of 26 April 2002 on the enhancement of international cooperation in the field of human rights, *Recalling also* General Assembly resolution 54/113 of 10 December 1999 on the United Nations Year of Dialogue among Civilizations and the proclamation of the Global Agenda for Dialogue among Civilizations by the Assembly in its resolution 56/6 of 9 November 2001,

Reaffirming its commitment to promoting international cooperation, as set forth in the Charter of the United Nations, in particular Article 1, paragraph 3, as well as relevant provisions of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993 (A/CONF.157/23), for enhancing genuine cooperation among Member States in the field of human rights,

Emphasizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

Underlining that tolerance and respect for diversity and the universal promotion and protection of human rights are mutually supportive, and recognizing that tolerance and respect for diversity effectively promote and are supported by, inter alia, the empowerment of women,

Reaffirming that dialogue among religions, cultures and civilizations, including in the field of human rights, could contribute greatly to the enhancement of international cooperation in this field,

Bearing in mind the valuable contribution that dialogue among civilizations can make to an improved awareness and understanding of the common values shared by all humankind,

Emphasizing the need for further progress in the promotion and encouragement of respect for human rights and fundamental freedoms through, in particular, international cooperation,

Underlining that mutual understanding, dialogue, cooperation, transparency and confidence building are important elements in all the activities for the promotion and protection of human rights,

Expresses its conviction that an unbiased and fair approach to human rights issues contributes to the promotion of international cooperation as well as to the effective promotion, protection and realization of human rights and fundamental freedoms,

Bearing in mind that all human rights are universal, indivisible, interdependent and interrelated, and thus should be treated equally in the course of international cooperation,

1. *Reaffirms* that it is one of the purposes of the United Nations and the responsibility of all Member States to promote, protect and encourage respect for human rights and fundamental freedoms through, inter alia, international cooperation;

2. *Considers* that international cooperation in this field, in conformity with the purposes and principles set out in the Charter of the United Nations and international law, should make an effective and practical contribution to the urgent task of preventing violations of human rights and of fundamental freedoms for all;

3. *Reaffirms* that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of universality, non-selectivity, objectivity and transparency, in a manner consistent with the purposes and principles of the Charter;

4. *Recognizes* that, in addition to their separate responsibilities to their individual societies, States have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level;

5. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

6. *Calls upon* Member States, specialized agencies and intergovernmental organizations to continue to carry out a constructive dialogue and consultations for the enhancement of understanding and the promotion and the protection of all human rights and fundamental freedoms, and encourages non-governmental organizations to contribute actively to this endeavour;

7. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

8. *Decides* to continue its consideration of this question, as a matter of priority, at its sixtieth session.

61st meeting
24 April 2003
[Adopted without a vote. See chap. XVII.]

2003/61. Promotion of peace as a vital requirement for the full enjoyment of all human rights by all

The Commission on Human Rights,

Recalling all previous resolutions on this issue,

Recalling also resolutions 1996/16 of 29 August 1996 and 1997/36 of 28 August 1997 of the Sub-Commission on the Promotion and Protection of Human Rights, entitled "International peace and security as an essential condition for the enjoyment of human rights, above all the right to life",

Bearing in mind General Assembly resolution 39/11 of 12 November 1984, entitled "Declaration of the Right of Peoples to Peace", and the United Nations Millennium Declaration,

Also bearing in mind the fundamental principles of international law set forth in the Charter of the United Nations, *Underlining*, in accordance with the purposes and principles of the United Nations, its full and active support for the United Nations and for the enhancement of its role and effectiveness in strengthening international peace, security and justice and in promoting the solution of international problems, as well as the development of friendly relations and cooperation among States,

Reaffirming the obligation of all States to settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered,

Emphasizing its objective of promoting better relations among all States and contributing to setting up conditions in which their people can live in true and lasting peace, free from any threat to or attempt against their security,

Reaffirming the obligation of all States to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

Reaffirming also its commitment to peace, security and justice and the continuing development of friendly relations and cooperation among States,

Rejecting the use of violence in pursuit of political aims and stressing that only peaceful political solutions can assure a stable and democratic future for all peoples around the world,

Reaffirming the importance of ensuring respect for the principles of sovereignty, territorial integrity and political independence of States and non-intervention in matters which are essentially within the domestic jurisdiction of any State, in accordance with the Charter and international law,

Reaffirming also that all peoples have the right to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

Reaffirming further the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

Underlining that the subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental rights, is contrary to the Charter and is an impediment to the promotion of world peace and cooperation,

Recalling that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

Convinced of the aim of creating conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples,

Convinced also that life without war is the primary international prerequisite for the material well-being, development and progress of countries, and for the full implementation of the rights and fundamental human freedoms proclaimed by the United Nations,

1. *Stresses* that peace is a vital requirement for the promotion and protection of all human rights for all;

2. *Solemnly declares* that the preservation of peace and its promotion constitute a fundamental obligation of each State;

3. *Emphasizes* that the preservation of peace and its promotion demand that the policies of States be directed towards the elimination of the threat of war, particularly nuclear war, the renunciation of the use or threat of use of force in international relations and the settlement of international disputes by peaceful means on the basis of the Charter of the United Nations;

4. *Affirms* that all States should promote the establishment, maintenance and strengthening of international peace and security and an international system based on respect of the principles enshrined in the Charter and the promotion of all human rights and fundamental freedoms, including the right to development and the right of peoples to self-determination;

5. *Urges* all States to respect and to put into practice the principles and purposes of the Charter in their relations with all other States, irrespective of their political, economic or social systems, as well as of their size, geographical location or level of economic development;

6. *Decides* to continue considering the issue at its sixtieth session under the same agenda item.

61st meeting
24 April 2003
[Adopted by a recorded vote of 33 votes to 16,
with 4 abstentions. See chap. XVII.]

2003/62. Development of public information activities in the field of human rights, including the World Public Information Campaign on Human Rights

The Commission on Human Rights,

Recalling its resolution 2001/63 of 25 April 2001,

Reaffirming that activities to improve public knowledge in the field of human rights are essential to the fulfilment of the purposes and principles of the United Nations set out in Article 1, paragraph 3, of the Charter of the United Nations, and that carefully designed programmes of teaching, education and information are essential to the achievement of lasting respect for human rights and fundamental freedoms,

Recalling General Assembly resolution 43/128 of 8 December 1988, by which the Assembly launched the World Public Information Campaign on Human Rights, and other Assembly resolutions and its own resolutions on this subject, *Recalling also* General Assembly resolution 49/184 of 23 December 1994, in which the Assembly proclaimed the ten-year period beginning on 1 January 1995 the United Nations Decade for Human Rights Education, 1995-2004, and its own resolutions on this subject,

Taking note of General Assembly resolutions 57/206 and resolution 57/212 of 18 December 2002 in which the Assembly invited all Governments to reaffirm their commitments and obligations to develop national strategies for human rights,

Bearing in mind General Assembly resolution 926 (X) of 14 December 1955, in which the Assembly established the United Nations programme of advisory services in the field of human rights with a view to supporting, inter alia, national capacities for human rights education and public information,

Mindful of the fact that the United Nations High Commissioner for Human Rights, in accordance with his mandate as established by General Assembly resolution 48/141 of 20 December 1993, is responsible, inter alia, for the provision of advisory services and technical cooperation at the request of States, as well as for the coordination of United Nations education and public information programmes in the field of human rights,

Recognizing the significant effect of United Nations initiatives on public information activities in the field of human rights, in particular those undertaken by the High Commissioner and by the Department of Public Information of the Secretariat,

Recognizing also the role of the Department of Public Information, in the context of the Joint United Nations Information Committee, in developing system-wide public information strategies on human rights,

Noting the valuable role that non-governmental organizations can play in this endeavour,

Believing that the World Campaign is a valuable complement to the activities of the United Nations aimed at the further promotion and protection of human rights and fundamental freedoms, and recalling the importance attached by the World Conference on Human Rights to strengthening the World Campaign,

Welcoming the increased efforts undertaken by the Office of the United Nations High Commissioner for Human Rights to disseminate human rights information through its web site (http://www.unhchr.ch), its publications and its external relations programmes, and welcoming also the efforts of the Department of Public Information with respect to the provision of computer-accessible information on human rights,

1. *Takes note with appreciation* of the report of the Secretary-General on the development of public information activities in the field of human rights, including the World Public Information Campaign on Human Rights (E/CN.4/2003/99);

2. *Also takes note with appreciation* of the reports of the High Commissioner on recent activities undertaken in the framework of the United Nations Decade for Human Rights Education, 1995-2004 (E/CN.4/2003/100), as well as of the study of the High Commissioner on the follow-up to the Decade (E/CN.4/2003/101);

3. *Expresses its appreciation* for the measures taken by the Department of Public Information, in particular the United Nations information centres, and the Office of the High Commissioner to ensure the further production and effective dissemination of human rights information materials in regional and local languages, in close cooperation with regional, national and local organizations, as well as with Governments, in particular as a component of the technical assistance projects in the field of human rights;

4. *Also expresses its appreciation* for the close cooperation developed between the Office of the High Commissioner and the Department of Public Information in the realization of the multimedia information programmes in the field of human rights to strengthen the role of the mass media in the furtherance of human rights education and public information;

5. *Encourages* the Office of the High Commissioner to continue the development, within the framework of its programme of advisory services and technical cooperation in the field of human rights, of human rights education and training materials, such as targeted training manuals for professional audiences and for human rights field monitors, given the close link and complementarity between human rights education and public information;

6. *Also encourages* the Office of the High Commissioner to establish guidelines on gender inclusivity in all the official languages of the United Nations, for use in the preparation of all its communications, reports and publications;

7. *Urges* the Department of Public Information, in cooperation with the Office of the High Commissioner, to continue to utilize fully and effectively the United Nations information centres for the purpose of disseminating, within their designated areas of activity, basic information and reference materials on human rights and fundamental freedoms in the official languages of the United Nations and in the relevant national and local languages;

8. *Also urges* the Department of Public Information to produce, in cooperation with the Office of the High Commissioner, information material, in particular audio-visual material, on all aspects of human rights, in connection with the World Public Information Campaign on Human Rights and the United Nations Decade for Human Rights Education;

9. *Requests* the Secretary-General to take advantage as much as possible of the collaboration of other international and regional intergovernmental organizations and of non-governmental organizations in the implementation of the World Campaign and the Decade;

10. *Stresses* the importance of an effective and comprehensive international strategy to increase public awareness of human rights through the media and, in particular:

(*a*) Emphasizes the need for an appropriate capacity to communicate the human rights message effectively;

(*b*) Welcomes the establishment of an External Relations Branch in the Office of the High Commissioner as an important way to enhance the ability of the Office to ensure that human rights information is readily available to the general public, thereby also contributing to the creation of a culture of human rights;

(*c*) Encourages the international community, including the funds, programmes and specialized agencies of the United Nations, to extend its support to the building of the capacities and resources of the External Relations Branch, along with its activities;

(*d*) Recognizes that elaborating guidelines and providing support for communications and public outreach in the field is an essential component in the work of the Office;

(*e*) Welcomes efforts by the Office to share widely information about its technical cooperation projects and field activities and encourages it to pursue this information outreach vigorously both at its headquarters and its field presences;

11. *Emphasizes* the important anniversaries in 2003, including the tenth anniversary of the Vienna Declaration and Programme of Action, the tenth anniversary of the establishment of the Office of the United Nations High Commissioner for Human Rights, the fifty-fifth anniversary of the Universal Declaration of Human Rights, recognizes their importance in the promotion and protection of human rights, and urges Member States to extend their support to and cooperation with the Office of the High Commissioner in preparing, in an appropriate way, these commemorations;

12. *Calls upon* all Governments, the Department of Public Information, the Office of the High Commissioner and United Nations specialized agencies:

(*a*) To broaden knowledge globally of the international human rights standards and the corresponding United Nations mechanisms;

(*b*) To adopt an approach to the dissemination of information concerning human rights initiatives and activities aimed at making this information more readable, understandable and accessible in order to increase awareness of human rights and fundamental freedoms among the general public;

13. *Calls upon* Governments, in accordance with their national conditions, to accord priority, in particular among their parliamentary assemblies, to the dissemination in their relevant national and local languages of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments, human rights materials and training manuals, as well as reports of States parties under the human rights treaties, and to provide training, education and information in those languages on the practical ways in which national and international institutions and procedures may be utilized to ensure the effective implementation of those instruments;

14. *Urges* all Member States to develop a comprehensive, effective and sustainable national plan of action for human rights education and public information, as an integral part of a broad national plan of action for human rights and complementary to other national plans already defined, such as those relating to women, minorities and indigenous peoples, in accordance with the guidelines for national plans of action for human rights education developed by the Office of the High Commissioner (A/52/469/Add.1 and Corr.1) and the Plan of Action for the United Nations Decade for Human Rights Education (A/51/506/Add.1, appendix);

15. *Encourages* Governments to consider, within the national plans or other regional plans mentioned in paragraph 14 above, the establishment of public access to human rights resource and training centres capable of engaging in research, gender-sensitive training of trainers, the preparation, collection, translation and dissemination of human rights education and training materials, the organization of courses, conferences, workshops and public information campaigns and assistance in the implementation of internationally sponsored technical cooperation projects for human rights education and public information;

16. *Also encourages* Governments, where such national public access to human rights resource and training centres already exists, to strengthen their capacity to support human rights education and public information programmes at the international, regional, national and local levels, inter alia through online services such as educational portals and long-distance training tools;

17. *Encourages* the Office of the High Commissioner, through its programme of advisory services and technical cooperation in the field of human rights, and other international and regional intergovernmental organizations to give priority to and continue to support, inter alia, national capacities for human rights education and public information;

18. *Encourages* Governments to contribute to the further development of the web site of the Office of the High Commissioner, in particular with respect to the dissemination of human rights education materials and tools, and to continue and expand the publications and external relations programmes of the Office;

19. *Also encourages* Governments, regional organizations and intergovernmental and non-governmental organizations to explore the potential support and contribution to human rights education and public information by all relevant partners, including the private sector, development, trade and financial institutions and the media, and to seek their cooperation in the development of human rights education and public information strategies;

20. *Calls upon* the Department of Public Information and all relevant United Nations agencies and bodies further to develop mass media strategies for an effective promotion of human rights, as recommended in the report of the High Commissioner on the midterm global evaluation of the United Nations Decade for Human Rights Education (A/55/360);

21. *Requests* the Secretary-General to make available adequate resources from within the regular budget of the United Nations in order to allow the Office of the High Commissioner and the Department of Public Information to implement fully their respective programmes;

22. *Also requests* the Secretary-General to submit to the Commission, at its sixty-first session, a report on public information activities, with special emphasis on activities relating to the World Public Information Campaign on Human Rights, the follow-up activities to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and the technical cooperation projects and field presences of the Office of the High Commissioner;

23. *Decides* to continue its consideration of this question at its sixty-first session under the same agenda item, in connection with the question of the United Nations Decade for Human Rights Education, 1995-2004.

61st meeting
24 April 2003
[Adopted without a vote. See chap. XVII.]

2003/63. Promotion of a democratic and equitable international order

The Commission on Human Rights,

Recalling all previous resolutions of the General Assembly and the Commission on this issue,

Reaffirming the commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all in accordance with the Charter of the United Nations, other instruments relating to human rights, and international law,

Affirming that the enhancement of international cooperation for the promotion and protection of all human rights should continue to be carried out in full conformity with the purposes and principles of the Charter and international law, as set forth in Articles 1 and 2 of the Charter, and inter alia, with full respect for sovereignty, territorial integrity, political independence, the non-use of force or the threat of force in international relations and non-intervention in matters that are essentially within the domestic jurisdiction of any State,

Recalling the Preamble to the Charter, in particular the determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, and in the equal rights of men and women and of nations large and small,

Reaffirming that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

Reaffirming also the determination expressed in the Preamble to the Charter to save succeeding generations from the scourge of war, to establish conditions under which justice and respect for obligations arising from treaties and other sources of international law can be maintained, to promote social progress and better standards of life in larger freedom, to practise tolerance and good neighbourliness and to employ international machinery for the promotion of the economic and social advancement of all peoples,

Stressing that the responsibility for managing worldwide economic and social development, as well as threats to international peace and security, must be shared among the nations of the world and should be exercised multilaterally, and that in this regard the central role must be played by the United Nations, as the most universal and representative organization in the world, *Considering* the major changes taking place on the international scene and the aspirations of all peoples for an international order based on the principles enshrined in the Charter, including promoting and encouraging respect for human rights and fundamental freedoms for all and respect for the principle of equal rights and self-determination of peoples, peace, democracy, justice, equality, the rule of law, pluralism, development, better standards of living and solidarity,

Considering also that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Reaffirming that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing, and that democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives,

Emphasizing that democracy is not only a political concept but also has economic and social dimensions,

Recognizing that democracy, respect for all human rights, including the right to development, transparent and accountable governance and administration in all sectors of society, and effective participation by civil society are an essential part of the necessary foundations for the realization of social and people-centred sustainable development,

Recognizing also that the international community should promote effective international cooperation, as well as equitable economic relations and a favourable economic environment at the international level, for the realization of the right to development and the elimination of obstacles to development,

Noting with concern that racism, racial discrimination, xenophobia and related intolerance may be aggravated by, inter alia, inequitable distribution of wealth, marginalization and social exclusion,

Underlining that it is an imperative for the international community to ensure that globalization becomes a positive force for all the world's people, and that only through broad and sustained efforts, on the basis of common humanity in all its diversity and worldwide solidarity, can globalization be made fully inclusive and equitable,

Stressing that efforts to make globalization fully inclusive and equitable must include policies and measures at the global level that correspond to the needs of developing countries and economies in transition and are formulated and implemented with their effective participation,

Having listened to the peoples of the world and recognizing their aspirations to justice, to equality of opportunity for all and everyone, and to the enjoyment of their human rights, including the right to development, to live in peace and freedom and to equal participation without discrimination in economic, social, cultural, civil and political life, *Resolved* to take all measures within its power to secure a democratic and equitable international order,

1. *Affirms* that everyone is entitled to a democratic and equitable international order;

2. *Also affirms* that a democratic and equitable international order fosters the full realization of all human rights for all;

3. *Calls upon* all Member States to fulfil their commitment expressed in September 2001 in Durban, South Africa, during the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to maximize the benefits of globalization through, inter alia, the strengthening and enhancement of international cooperation to increase equality of opportunities for trade, economic growth and sustainable development, global communications through the use of new technologies and increased intercultural exchange through the preservation and promotion of cultural diversity, and reiterates that only through broad and sustained efforts to create a shared future based upon our common humanity, and all its diversity, can globalization be made fully inclusive and equitable;

4. *Affirms* that a democratic and equitable international order requires, inter alia, the realization of the following:

(*a*) The right of all peoples to self-determination, by virtue of which they can freely determine their political status and freely pursue their economic, social and cultural development;

(*b*) The right of peoples and nations to permanent sovereignty over their natural wealth and resources;

(*c*) The right of every human person and all peoples to development, as a universal and inalienable right and an integral part of fundamental human rights;

(*d*) The right of all peoples to peace;

(*e*) The right to an international economic order based on equal participation in the decision-making process, interdependence, mutual interest, solidarity and cooperation among all States;

(*f*) Solidarity, as a fundamental value by virtue of which global challenges must be managed in a way that distributes the costs and burdens fairly in accordance with basic principles of equity and social justice, ensuring that those who suffer or who benefit least receive help from those who benefit most;

(*g*) The promotion and consolidation of transparent, democratic, just and accountable international institutions in all areas of cooperation, in particular through the implementation of the principles of full and equal participation in their respective decision-making mechanisms;

(*h*) The right to equitable participation of all, without any discrimination, in domestic as well as global decision-making;

(*i*) The principle of equitable regional and gender-balanced representation in the composition of the staff of the United Nations system;

(*j*) The promotion of a free, just, effective and balanced international information and communication order, based on international cooperation for the establishment of a new equilibrium and greater reciprocity in the international flow of information, in particular correcting the inequalities in the flow of information to and from developing countries;

(*k*) Respect for cultural diversity and the cultural rights of all, since this enhances cultural pluralism, contributes to a wider exchange of knowledge and understanding of cultural backgrounds, advances the application and enjoyment of universally accepted human rights across the world and fosters stable, friendly relations among peoples and nations worldwide;

(*l*) The right of every person and all peoples to a healthy environment;

(*m*) The promotion of equitable access to benefits from the international distribution of wealth through enhanced international cooperation, in particular in international economic, commercial and financial relations;

(*n*) The enjoyment by everyone of ownership of the common heritage of mankind;

5. *Stresses* the importance of preserving the rich and diverse nature of the international community of nations and peoples, as well as respect for national and regional particularities and various historical, cultural and religious backgrounds, in the enhancement of international cooperation in the field of human rights;

6. *Also stresses* that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, and reaffirms that while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;

7. *Urges* all actors on the international scene to build an international order based on inclusion, justice, peace, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

8. *Expresses its rejection* of unilateralism and stresses its commitment to multilateralism and multilaterally agreed solutions, in accordance with the Charter of the United Nations and international law, as the only reasonable method of addressing international problems;

9. *Reaffirms* that all States should promote the establishment, maintenance and strengthening of international peace and security and, to that end, should do their utmost to achieve general and complete disarmament under effective international control, as well as to ensure that the resources released by effective disarmament measures are used for comprehensive development, in particular that of the developing countries;

10. *Recalls* the proclamation by the General Assembly of its determination to work urgently for the establishment of an international economic order based on equity, sovereign equality, interdependence, common interest and cooperation among all States, irrespective of their economic and social systems, which shall correct inequalities and redress existing injustices, make it possible to eliminate the widening gap between the developed and the developing countries, and ensure steadily accelerating economic and social development and peace and justice for present and future generations;

11. *Reaffirms* that the international community should devise ways and means to remove current obstacles and meet the challenges to the full realization of all human rights and to prevent the continuation of human rights violations resulting therefrom throughout the world;

12. *Urges* States to continue their efforts, through enhanced international cooperation, towards the establishment of a democratic and equitable international order;

13. *Requests* the human rights treaty bodies, the Office of the United Nations High Commissioner for Human Rights and the mechanisms of the Commission and the Sub-Commission on the Promotion and Protection of Human Rights to pay due attention, within their respective mandates, to the present resolution and to make contributions towards its implementation;

14. *Requests* the Secretary-General to bring the present resolution to the attention of Member States, United Nations organs, bodies and components, intergovernmental organizations, in particular the Bretton Woods institutions, and non-governmental organizations and to disseminate it on the widest possible basis;

15. *Decides* to continue consideration of the matter at its sixtieth session under the same agenda item.

61st meeting
24 April 2003
[Adopted by a recorded vote of 31 votes to 15,
with 7 abstentions. See chap. XVII.]

2003/64. Human rights defenders

The Commission on Human Rights,

Recalling General Assembly resolution 53/144 of 9 December 1998, by which the Assembly adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, annexed to that resolution, *Reiterating* the importance of the Declaration and stressing the importance of its wide dissemination,

Recalling all previous resolutions on this subject, in particular its resolution 2002/70 of 25 April 2002 and General Assembly resolution 57/209 of 18 December 2002,

Noting with deep concern that, in many countries, persons and organizations engaged in promoting and defending human rights and fundamental freedoms are facing threats, harassment and insecurity as a result of those activities,

Gravely concerned by the human rights violations committed against persons engaged in promoting and defending human rights and fundamental freedoms around the world,

Recalling that human rights defenders are entitled to equal protection of the law, and deeply concerned about any abuse of civil or criminal proceedings against them because of their activities for the promotion and protection of human rights and fundamental freedoms,

Concerned at the considerable number of communications received by the Special Representative of the Secretary-General on the situation of human rights defenders that, together with the reports submitted by some of the special procedure mechanisms, indicate the serious nature of the risks faced by human rights defenders and, particularly, the severe consequences for women human rights defenders,

Noting with deep concern that, in a number of countries in all regions of the world, impunity for threats, attacks and acts of intimidation against human rights defenders persists and that this impacts negatively on the work and safety of human rights defenders,

Emphasizing the important role that individuals, non-governmental organizations and groups play in the promotion and protection of human rights and fundamental freedoms, including in combating impunity and in promoting, strengthening and preserving democracy,

Recalling that under the International Covenant on Civil and Political Rights certain rights are recognized as non-derogable, and emphasizing that derogation from other rights and freedoms can only take place under strict observance of the agreed conditions and procedures identified under article 4 of the Covenant,

Acknowledging the significant work conducted by the Special Representative of the Secretary-General during the first three years of this mandate, and welcoming the cooperation between the Special Representative and other special procedures of the Commission on Human Rights,

Welcoming regional initiatives for the promotion and protection of human rights and the cooperation between international and regional mechanisms for the protection of human rights defenders, and encouraging further development in this regard,

Recalling that the primary responsibility for promoting and protecting human rights rests with the State, and noting with deep concern that the activities of some non-State actors pose a major threat to the security of human rights defenders, *Emphasizing* the need for strong and effective measures for the protection of human rights defenders,

1. *Calls upon* all States to promote and give full effect to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms;

2. *Welcomes* the reports of the Special Representative of the Secretary-General on the situation of human rights defenders (E/CN.4/2001/94, A/56/341, E/CN.4/2002/106 and Add.1-2, A/57/182 and E/CN.4/2003/104 and Add.1-4);

3. *Condemns* all human rights violations committed against persons engaged in promoting and defending human rights and fundamental freedoms around the world and urges States to take all appropriate action, consistent with the Declaration and all other relevant human rights instruments, to eliminate such human rights violations;

4. *Calls upon* all States to take all necessary measures to ensure the protection of human rights defenders;

5. *Emphasizes* the importance of combating impunity and urges in this regard States to take appropriate measures to address the question of impunity for threats, attacks and acts of intimidation against human rights defenders;

6. *Urges* all Governments to cooperate with and assist the Special Representative in the performance of her tasks and to furnish all information for the fulfilment of her mandate upon request;

7. *Calls upon* Governments to give serious consideration to responding favourably to the Special Representative's requests to visit their countries and urges them to enter into a constructive dialogue with the Special Representative with respect to the follow-up to her recommendations, so as to enable her to fulfil her mandate even more effectively;

8. *Urges* those Governments that have not yet responded to the communications transmitted to them by the Special Representative to answer without further delay;

9. *Invites* Governments to consider translating the Declaration into national languages and encourages them to disseminate it widely;

10. *Decides* to extend the mandate of the Special Representative of the Secretary-General on the situation of human right defenders for a further three years and requests the Special Representative to continue to report on her activities to the General Assembly and to the Commission in accordance with her mandate;

11. *Requests* the Secretary-General to provide the Special Representative with all necessary human, material and financial resources in order to enable her to continue to carry out her mandate effectively, including through country visits;

12. *Requests* all concerned United Nations agencies and organizations, within their mandates, to provide all possible assistance and support to the Special Representative in the implementation of her programme of activities;

13. *Decides* to consider this question at its sixtieth session, under the same agenda item;

14. *Recommends* the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 18.]

61st meeting
24 April 2003
[Adopted without a vote. See chap. XVII.]

2003/65. The role of good governance in the promotion of human rights

The Commission on Human Rights,

Guided by the Universal Declaration of Human Rights as a common standard of achievement of all peoples and all nations applying to every individual and every organ of society, and also the Vienna Declaration and Programme of Action (A/CONF.157/23), which affirmed that all human rights are universal, indivisible, interdependent and interrelated,

Recognizing the importance of a conducive environment, at both the national and the international levels, for the full enjoyment of all human rights,

Emphasizing that the strengthening of good governance at the national level, including through the building of effective and accountable institutions for promoting growth and sustainable human development, is a continuous process for all Governments, regardless of the level of development of the countries concerned,

Welcoming the growing recognition of the importance of good governance in the promotion of human rights, in particular in the United Nations Millennium Declaration, the Brussels Declaration (A/CONF.191/12) and the Programme of Action for the Least Developed Countries for the Decade 2001-2010 (A/CONF.191/11), the Monterrey Consensus adopted by the International Conference on Financing for Development (A/CONF.198/11, chap. I, resolution 1, annex), and the Plan of Implementation of the World Summit on Sustainable Development (A/CONF.199/20 and Corr.1, chap. I, resolution 2, annex),

Recognizing the importance of initiatives at the regional level endorsed by the United Nations and founded on good governance frameworks and welcoming in particular the adoption of the New Partnership for Africa's Development (A/57/304, annex) by the African Union and its subsequent endorsement by the General Assembly in resolutions 57/2 of 16 September 2002 and 57/7 of 4 November 2002 and the conclusions of the eleventh Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian and Pacific Region, held in Islamabad in February 2003 (E/CN.4/2003/109, annex I), *Noting* that good governance practices necessarily vary according to the particular circumstances and needs of different societies, and that the responsibility for determining and implementing such practices, based on transparency and accountability, and for creating and maintaining an enabling environment conducive to the enjoyment of all human rights at the national level rests with the State concerned,

Affirming the need for enhanced cooperation at the international level between States and through the United Nations system to ensure that States needing external inputs in order to improve good governance activities have access, if and when required, to the necessary information and resources,

Recognizing the need for a closer examination of the role of good governance for the promotion of human rights and the relationship between good governance practices and the promotion and protection of all human rights in all countries,

1. *Recognizes* that transparent, responsible, accountable and participatory government, responsive to the needs and aspirations of the people, is the foundation on which good governance rests and that such a foundation is a sine qua non for the promotion of human rights, including the right to development;

2. *Emphasizes*, in this context, the need to promote partnership approaches to international development cooperation and to ensure that prescriptive approaches to good governance do not impede such cooperation;

3. *Welcomes* the provision by States and intergovernmental organizations of practical examples of activities that have been effective in strengthening good governance practices for the promotion of human rights at the national level, including activities in the context of development cooperation between States, and encourages all relevant actors, including non-governmental organizations, to share practical experiences with the Office of the United Nations High Commissioner for Human Rights on their activities to promote good governance and human rights;

4. *Welcomes* the conclusion contained in the report of the High Commissioner to the Commission on the role of good governance in the promotion of human rights (E/CN.4/2003/103) that there is a growing awareness of the importance of good governance for the realization of a broad range of human rights and sustainable development;

5. *Invites* the High Commissioner, where appropriate and relevant, to draw on the material provided in response to the invitations issued pursuant to paragraph 3 of resolution 2002/76 of 25 April 2002 and paragraph 3 of resolution 2001/72 of 25 April 2001 in analysis and technical assistance activities undertaken as part of the programme of his Office and to inform the Commission of the utility of the material in this respect;

6. *Welcomes* the High Commissioner's commitment, using extrabudgetary funding and working jointly with the United Nations Development Programme, to convene a seminar as soon as possible before the sixty-first session of the Commission, as requested in paragraph 5 of resolution 2002/76, on the issue of practical approaches and activities that have been effective in

strengthening good governance practices for the promotion of human rights at the national level, examining and building upon the material provided and experience obtained pursuant to paragraph 3 of Commission resolution 2001/72 and paragraph 4 of its resolution 2002/76;

7. *Requests* the High Commissioner to invite States, national human rights institutions, relevant organs and bodies of the United Nations, other relevant international bodies and relevant national and international non-governmental organizations to attend the seminar and to report to the Commission as soon as possible on the outcomes of the seminar;

8. *Also requests* the High Commissioner to compile indicative ideas and practices arising from the seminar and the material provided by States, intergovernmental organizations and non-governmental organizations that could be consulted by interested States when required;

9. *Decides* to continue its consideration of the question of the role of good governance in the promotion of human rights at its sixtieth session under the same agenda item.

61st meeting
24 April 2003
[Adopted without a vote. See chap. XVII.]

2003/66. Convention on the Prevention and Punishment of the Crime of Genocide

The Commission on Human Rights,

Guided by the Principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, as well as other relevant international instrument on human rights,

Recalling the adoption by the General Assembly of resolution 96 (I) of 11 December 1946, which declares genocide to be a crime under international law, contrary to the spirit and aims of the United Nations,

Recalling also General Assembly resolution 53/43 of 2 December 1998 on the fiftieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide,

Recalling further its resolutions 1998/10 of 3 April 1998, 1999/67 of 28 April 1999 and 2001/66 of 25 April 2001 on the Convention,

Noting that the General Assembly, in adopting the Universal Declaration of Human Rights on 10 December 1948, recognized the inherent dignity and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,

Noting also the entry into force on 1 July 2002 of the Rome Statute of the International Criminal Court (A/CONF.183/9) and the subsequent establishment of the International Criminal Court, *Noting further* the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity of 26 November 1968,

Deeply concerned at the suffering caused by genocide to mankind and that the danger of the repetition of genocide has not completely disappeared,

Recognizing its important contribution to efforts towards preventing situations in which the crime of genocide could be committed,

1. *Reaffirms* the significance of the Convention on the Prevention and Punishment of the Crime of Genocide as an effective international instrument for the punishment of the crime of genocide;

2. *Expresses its appreciation* to all States that have ratified or acceded to the Convention;

3. *Invites* States that have not yet ratified or acceded to the Convention to do so and, where necessary to enact national legislation in conformity with the provisions of the Convention;

4. *Invites* the Secretariat and relevant organs and agencies of the United Nations system to disseminate the Convention widely, with a view to ensuring its universality and full and comprehensive implementation;

5. *Calls upon* all Member States to continue to give serious consideration to the matter of the prevention and punishment of the crime of genocide;

6. *Decides* to consider the issue at its sixty-first session.

61st meeting
24 April 2003
[Adopted without a vote. See chap. XVII.]

2003/67. The question of the death penalty

The Commission on Human Rights,

Recalling article 3 of the Universal Declaration of Human Rights, which affirms the right of everyone to life, article 6 of the International Covenant on Civil and Political Rights and articles 6 and 37 (*a*) of the Convention on the Rights of the Child,

Recalling also General Assembly resolutions 2857 (XXVI) of 20 December 1971 and 32/61 of 8 December 1977, as well as resolution 44/128 of 15 December 1989, in which the Assembly adopted and opened for signature, ratification and accession the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, *Recalling further* the relevant Economic and Social Council resolutions, 1984/50 of 25 May 1984, 1985/33 of 29 May 1985, 1989/64 of 24 May 1989, 1990/29 of 24 May 1990, 1990/51 of 24 July 1990 and 1996/15 of 23 July 1996,

Recalling its previous resolutions in which it expressed its conviction that abolition of the death penalty contributes to the enhancement of human dignity and to the progressive development of human rights,

Noting that, in some countries, the death penalty is often imposed after trials which do not conform to international standards of fairness and that persons belonging to national or ethnic, religious and linguistic minorities appear to be disproportionately subject to the death penalty, and condemning cases in which women are subjected to capital punishment on the basis of gender-discriminatory legislation,

Welcoming the exclusion of capital punishment from the penalties that the International Criminal Tribunal for the Former Yugoslavia, the International Tribunal for Rwanda and the International Criminal Court are authorized to impose,

Commending the States that have recently become parties to the Second Optional Protocol to the International Covenant on Civil and Political Rights and welcoming the recent signature of the Second Optional Protocol by some States,

Welcoming the abolition of the death penalty which has taken place in some States since the last session of the Commission, and in particular in those States that have abolished the death penalty for all crimes,

Welcoming also the fact that many countries which still retain the death penalty in their penal legislation are applying a moratorium on executions,

Welcoming further regional initiatives aimed at the establishment of a moratorium on executions and the abolition of the death penalty,

Referring to the safeguards guaranteeing protection of the rights of those facing the death penalty, set out in the annex to Economic and Social Council resolution 1984/50,

Deeply concerned that several countries impose the death penalty in disregard of the limitations set out in the Covenant and the Convention on the Rights of the Child,

Concerned that several countries, in imposing the death penalty, do not take into account the safeguards guaranteeing protection of the rights of those facing the death penalty,

1. *Recalls* the sixth quinquennial report of the Secretary-General on capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty, submitted in accordance with Economic and Social Council resolution 1995/57 of 28 July 1995 (E/2000/3), and welcomes the yearly supplement which is the subject of the report of the Secretary-General (E/CN.4/2003/106 and Add.1) on changes in law and practice concerning the death penalty worldwide, as requested in Commission resolution 2002/77 of 25 April 2002;

2. *Reaffirms* resolution 2000/17 of 17 August 2000 of the Sub-Commission on the Promotion and Protection of Human Rights on international law and the imposition of the death penalty on those aged under 18 at the time of the commission of the offence;

3. *Calls upon* all States parties to the International Covenant on Civil and Political Rights that have not yet done so to consider acceding to or ratifying the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty;

4. *Urges* all States that still maintain the death penalty:

(*a*) Not to impose it for crimes committed by persons below 18 years of age, and to exclude pregnant women from capital punishment;

(*b*) Not to impose the death penalty for any but the most serious crimes and only pursuant to a final judgement rendered by an independent and impartial competent court, and to ensure the right to a fair trial and the right to seek pardon or commutation of sentence;

(*c*) To ensure that all legal proceedings, including those before special tribunals or jurisdictions, and particularly those related to capital offences, conform to the minimum procedural guarantees contained in article 14 of the International Covenant on Civil and Political Rights;

(*d*) To ensure that the notion of "most serious crimes" does not go beyond intentional crimes with lethal or extremely grave consequences and that the death penalty is not imposed for non-violent acts such as financial crimes, non-violent religious practice or expression of conscience and sexual relations between consenting adults;

(*e*) Not to enter any new reservations under article 6 of the Covenant which may be contrary to the object and the purpose of the Covenant and to withdraw any such existing reservations, given that article 6 enshrines the minimum rules for the protection of the right to life and the generally accepted standards in this area;

(*f*) To observe the safeguards guaranteeing protection of the rights of those facing the death penalty and to comply fully with their international obligations, in particular with those under article 36 of the 1963 Vienna Convention on Consular Relations, particularly the right to receive information on consular assistance within the context of a legal procedure;

(*g*) Not to impose the death penalty on a person suffering from any form of mental disorder or to execute any such person;

(*h*) To exclude mothers with dependent infants from capital punishment;

(*i*) To ensure that, where capital punishment occurs, it shall be carried out so as to inflict the minimum possible suffering and shall not be carried out in public or in any other degrading manner, and to ensure that any application of particularly cruel or inhuman means of execution, such as stoning, be stopped immediately;

(*j*) Not to execute any person as long as any related legal procedure, at the international or at the national level, is pending;

5. *Calls upon* all States that still maintain the death penalty:

(*a*) Progressively to restrict the number of offences for which the death penalty may be imposed and, at the least, not to extend its application to crimes to which it does not at present apply;

(*b*) To abolish the death penalty completely and, in the meantime, to establish a moratorium on executions;

(*c*) To make available to the public information with regard to the imposition of the death penalty and to any scheduled execution;

(*d*) To provide to the Secretary-General and relevant United Nations bodies information relating to the use of capital punishment and the observance of the safeguards guaranteeing protection of the rights of those facing the death penalty as contained in Economic and Social Council resolution 1984/50;

6. *Calls upon* States which no longer apply the death penalty but maintain it in their legislation to abolish it;

7. *Requests* States that have received a request for extradition on a capital charge to reserve explicitly the right to refuse extradition in the absence of effective assurances from relevant authorities of the requesting State that capital punishment will not be carried out;

8. *Requests* the Secretary-General to submit again to the Commission, at its sixtieth session, in consultation with Governments, specialized agencies and intergovernmental and non-governmental organizations, a yearly supplement on changes in law and practice concerning the death penalty worldwide to his quinquennial report on capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty, paying special attention to the imposition of the death penalty against persons younger than 18 years of age at the time of the offence;

9. *Decides* to continue consideration of the matter at its sixtieth session under the same agenda item.

61st meeting
24 April 2003
[Adopted by a recorded vote of 24 votes to 18,
with 10 abstentions. See chap. XVII.]

2003/68. Protection of human rights and fundamental freedoms while countering terrorism

The Commission on Human Rights,

Reaffirming the purposes and principles of the Charter of the United Nations, *Reaffirming also* the fundamental importance, including in response to terrorism and the fear of terrorism, of respecting all human rights and fundamental freedoms and the rule of law,

Recalling that States are under the obligation to protect all human rights and fundamental freedoms of all persons,

Recalling also the relevant resolutions of the General Assembly and the Security Council on measures to eliminate international terrorism,

Recalling further General Assembly resolution 48/141 of 20 December 1993 and, inter alia, the responsibility of the United Nations High Commissioner for Human Rights to promote and protect the effective enjoyment of all human rights,

Reiterating paragraph 17 of section I of the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights in June 1993, which states that acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity, security of States and destabilizing legitimately constituted Governments, and that the international community should take the necessary steps to enhance cooperation to prevent and combat terrorism,

Recalling General Assembly resolution 56/160 of 19 December 2001 and its own resolution 2002/35 of 22 April 2002, on human rights and terrorism,

Reaffirming its unequivocal condemnation of all acts, methods and practices of terrorism, in all their forms and manifestations, wherever and by whomsoever committed, regardless of their motivation, as criminal and unjustifiable, and renewing its commitment to strengthen international cooperation to prevent and combat terrorism,

Stressing that everyone is entitled to all the rights and freedoms recognized in the Universal Declaration of Human Rights without distinction of any kind, including on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in accordance with article 4 of the International Covenant on Civil and Political Rights, certain rights are recognized as non-derogable in any circumstances and that any measures derogating from the provisions of the Covenant must be in accordance with that article in all cases, and underlining the exceptional and temporary nature of any such derogations,

Recalling Human Rights Committee general comment no. 29 (2001) on derogations from provisions of the International Covenant on Civil and Political Rights during states of emergency,

1. *Welcomes* General Assembly resolution 57/219 of 18 December 2002;

2. *Takes note* of the report of the Secretary-General on implementation of General Assembly resolution 57/219 (E/CN.4/2003/120) and welcomes its conclusions on the necessity of ensuring respect for human rights in the international campaign to eliminate the practice and threat of terrorism and on the important dual role that the United Nations has in promoting the maintenance of international peace and security while also seeking to achieve international cooperation in encouraging respect for the human rights and fundamental freedoms of all;

3. *Affirms* that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law;

4. *Invites* the United Nations High Commissioner for Human Rights and the Human Rights Committee to continue the important dialogues they have established with the Counter-Terrorism Committee of the Security Council and to further their mutual cooperation;

5. *Requests* all relevant special procedures and mechanisms of the Commission, as well as the United Nations human rights treaty bodies, to consider, within their mandates, the protection of human rights and fundamental freedoms in the context of measures to combat terrorism;

6. *Encourages* States, while countering terrorism, to take into account relevant United Nations resolutions and decisions on human rights, and encourages them to consider the recommendations of the special procedures and mechanisms of the Commission and the relevant comments and views of United Nations human rights treaty bodies;

7. *Requests* the High Commissioner, making use of existing mechanisms:

(*a*) To continue to examine the question of the protection of human rights and fundamental freedoms while countering terrorism, taking into account reliable information from all sources;

(*b*) To continue to make general recommendations concerning the obligation of States to promote and protect human rights and fundamental freedoms while taking actions to counter terrorism;

(*c*) To continue to provide assistance and advice to States, upon their request, on the protection of human rights and fundamental freedoms while countering terrorism, as well as to relevant United Nations bodies;

8. *Also requests* the High Commissioner to submit a report on the implementation of the present resolution to the General Assembly at its fifty-eighth session and to the Commission at its sixtieth session.

62nd meeting
25 April 2003
[Adopted without a vote. See chap. XVII.]

2003/69. Human rights and bioethics

The Commission on Human Rights,

Recalling that, according to the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Seeking to preserve the dignity and integrity of the human being,

Recalling the right of everyone, as recognized in article 15 of the International Covenant on Economic, Social and Cultural Rights, to enjoy the benefits of scientific progress and its applications, and recalling article 7 of the International Covenant on Civil and Political Rights, which states that no one shall be subjected without his free consent to medical or scientific experimentation,

Aware that the rapid development of the life sciences opens up tremendous prospects for the improvement of the health of individuals and mankind as a whole, but also that certain practices may pose dangers to the integrity and dignity of the individual,

Seeking therefore to ensure that scientific progress benefits individuals and develops in a manner respectful of human rights,

Referring to the Universal Declaration on the Human Genome and Human Rights adopted on 11 November 1997 by the General Conference of the United Nations Educational, Scientific and Cultural Organization and to General Assembly resolution 53/152 of 9 December 1998 endorsing the Declaration,

Affirming the principle that the human genome underlies the fundamental unity of all members of the human family, as well as the recognition of their inherent dignity and diversity,

Recalling that article 10 of the Declaration affirms, inter alia, that no research or research applications concerning the human genome, in particular in the fields of biology, genetics and medicine, should prevail over respect for the human rights, fundamental freedoms and human dignity of individuals,

Welcoming resolution 22 adopted on 2 November 2001 by the General Conference of the United Nations Educational, Scientific and Cultural Organization, at its 31st session, inviting the Director-General to submit to the General Conference at its 32nd session in 2003 the technical and legal studies undertaken regarding the possibility of elaborating universal norms on bioethics,

Recalling its resolutions 1991/45 of 5 March 1991, 1993/91 of 10 March 1993, 1997/71 of 16 April 1997, 1999/63 of 28 April 1999 and 2001/71 of 25 April 2001,

Referring to the United Nations Millennium Declaration in which Heads of State and Government resolved to ensure free access to information on the human genome sequence, *Referring also* to resolution 1997/42 of 28 August 1997 of the Sub-Commission on the Promotion and Protection of Human Rights regarding this question,

Recalling the adoption by the Committee of Ministers of the Council of Europe, on 4 April 1997, of the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine,

Convinced of the need to develop a life sciences ethic at the national and international levels, and recognizing the need to develop international rules and cooperation in order to ensure that mankind as a whole benefits from the use of the life sciences and to prevent any misuse of their applications,

Rejecting strongly any doctrine of racial superiority, along with theories which attempt to determine the existence of so-called distinct human races,

1. *Takes note* of the report of the Secretary-General (E/CN.4/2003/98 and Add.1);

2. *Expresses its appreciation* to the Governments that have responded to the request for information formulated by the Commission in its resolution 2001/71 and invites the Governments which have not yet responded to do so;

3. *Invites* the United Nations High Commissioner for Human Rights to participate, within his area of competence, in the discussion on questions relating to human rights and bioethics;

4. *Welcomes* the initiative of the members of the United Nations Educational, Scientific and Cultural Organization to prepare an international declaration on human genetic data and calls upon Member States to cooperate fully in the finalization of a text;

5. *Urges* States to take measures for the protection and confidentiality of personal genetic data concerning persons living or dead; in order to protect human rights and fundamental freedoms, limitations to the principles of consent and confidentiality may only be prescribed by law, for compelling reasons within the bounds of public international law and international human rights law;

6. *Calls upon* States that have not yet done so to address the issue of discrimination arising from the application of genetics, in order to protect human rights, fundamental freedoms and dignity;

7. *Draws the attention* of Governments to the importance of research on the human genome and its applications for the improvement of the health of individuals and mankind as a whole, and to the need to safeguard the human rights, the dignity and the identity of the individual;

8. *Encourages* States to participate in the discussions of the working group of the Sixth Committee of the General Assembly, to be held from 29 September to 3 October 2003 during its fifty-eighth session under the agenda item "International convention against the reproductive cloning of human beings";

9. *Reaffirms* the importance of receiving information from the organizations and specialized agencies of the United Nations and invites the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, the Office of the United Nations High Commissioner for Human Rights and the other United Nations bodies and specialized agencies concerned to report to the Secretary-General on the activities conducted in their respective areas to ensure that the principles set forth in the Universal Declaration on the Human Genome and Human Rights are taken into account and to make these reports available to Governments;

10. *Invites* Governments that have not yet done so to consider establishing independent, multidisciplinary and pluralist committees of ethics to assess, notably in conjunction with the International Bioethics Committee of the United Nations Educational, Scientific and Cultural Organization, the ethical, social and human questions raised by the biomedical research undergone by human beings and, in particular, research relating to the human genome and its applications, and also invites them to inform the Secretary-General of the establishment of any such bodies, with a view to promoting exchanges of experience between such institutions;

11. *Requests again* the Sub-Commission on the Promotion and Protection of Human rights to consider what contribution it can make to the reflections of the International Bioethics Committee on the follow-up to the Universal Declaration on the Human Genome and Human Rights and to report on this matter to the Commission at its sixty-first session;

12. *Requests* the Secretary-General to submit a report based on these contributions for consideration by the Commission at its sixty-first session.

62nd meeting
25 April 2003
[Adopted without a vote. See chap. XVII.]

2003/70. United Nations Decade for Human Rights Education

The Commission on Human Rights,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,

Reaffirming article 26 of the Universal Declaration of Human Rights, in accordance with which education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms,

Recalling the provisions of other international human rights instruments, including article 13 of the International Covenant on Economic, Social and Cultural Rights and article 29 of the Convention on the Rights of the Child, which reflect the aims of the aforementioned article, *Taking into account* its resolution 1993/56 of 9 March 1993, in which the Commission recommended that knowledge of human rights, both in its theoretical dimension and in its practical application, should be established as a priority in education policies,

Believing that every woman, man and child, to realize their full human potential, must be made aware of all their human rights, civil, cultural, economic, political and social,

Believing also that human rights education constitutes an important vehicle for the elimination of gender-based discrimination and ensuring equal opportunities through the promotion and protection of the human rights of women,

Convinced that human rights education should involve more than the provision of information and should constitute a comprehensive lifelong process by which people at all levels of development and in all societies learn respect for the dignity of others and the means and methods of ensuring that respect in all societies,

Convinced also that human rights education and information contribute to a concept of development consistent with the dignity of women and men of all ages which takes into account particularly vulnerable segments of society such as children, youth, older persons, indigenous people, minorities, rural and urban poor, migrant workers, refugees, persons with human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) and disabled persons,

Recognizing the role of education in constructing a culture of peace, in particular the teaching of the practice of non-violence, which will promote the purposes and principles embodied in the Charter of the United Nations,

Also recognizing that human rights education and learning is an instrument for conflict prevention and the prevention of human rights violations, as well as a contribution to peaceful post-conflict transformation and consolidation, and is thus a key factor for achieving human security,

Affirming that human rights education is a key to changing attitudes and behaviour based on racism, racial discrimination, xenophobia and related intolerance and to promoting tolerance and respect for diversity in societies, and that such education is a determining factor in the promotion, dissemination and protection of the democratic values of justice and equity, which are essential to prevent and combat the spread of racism, racial discrimination, xenophobia and related intolerance, as was recognized at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001,

Bearing in mind the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), in particular Part II, paragraphs 78 to 82 thereof,

Recalling the responsibility of the United Nations High Commissioner for Human Rights to coordinate relevant United Nations education and public information programmes in the field of human rights, *Recalling also* General Assembly resolution 49/184 of 23 December 1994, in which the Assembly proclaimed the ten-year period beginning on 1 January 1995 the United Nations Decade for Human Rights Education, welcomed the Plan of Action for the Decade (A/51/506/Add.1, appendix) and requested the High Commissioner to coordinate the implementation of the Plan of Action,

Noting General Assembly resolutions 57/206 and 57/212 of 18 December 2002 in which the Assembly invited all Governments to reaffirm their commitments and obligations to develop national strategies for human rights education which are comprehensive, participatory and effective and which can be embodied in a national plan of action for human rights education, and invited the United Nations, intergovernmental organizations, the United Nations Educational, Scientific and Cultural Organization and other relevant intergovernmental organizations to adopt a system-wide approach to the Decade,

Welcoming the efforts to promote human rights education made by educators and non-governmental organizations in all parts of the world, as well as by intergovernmental organizations, including the Office of the United Nations High Commissioner for Human Rights, the United Nations Educational, Scientific and Cultural Organization, the International Labour Organization, the United Nations Children's Fund and the United Nations Development Programme,

Recognizing the invaluable and creative role that non-governmental and community-based organizations play in the promotion and protection of human rights by disseminating public information and engaging in human rights education, especially at the grass-roots level and in remote and rural communities,

Noting with appreciation the efforts undertaken so far by the Office of the High Commissioner to increase information-sharing in the area of human rights education through the development of a database and resource collection on human rights education and to disseminate human rights information through its web site and its publications and external relations programmes,

Welcoming the initiative of the Office of the High Commissioner to develop further the project entitled "Assisting Communities Together", launched in 1998, supported by voluntary funds and designed to provide small grants to grass-roots and local organizations carrying out practical human rights activities,

Recognizing the value of information and communications technologies in human rights education to promote dialogue and understanding of human rights and, in that context welcoming, inter alia, the "CyberSchoolBus" and the United Nations Children's Fund "Voices of Youth" initiatives,

Recalling the midterm global evaluation of progress made towards the achievement of the objectives of the Decade undertaken by the Office of the High Commissioner, in cooperation with all other principal actors in the Decade, which was presented in the report of the High Commissioner to the General Assembly at its fifty-fifth session (A/55/360),

1. *Takes note with appreciation* of the report of the High Commissioner on the implementation of the Plan of Action of the United Nations Decade for Human Rights Education, 1995-2004 (E/CN.4/2003/100), as requested by the Commission in paragraph 18 of resolution 2002/74 of 25 April 2002;

2. *Welcomes* the steps taken by Governments and intergovernmental and non-governmental organizations to implement the Plan of Action, as indicated in the report of the High Commissioner;

3. *Takes note with appreciation also* of the study of the High Commissioner on the follow-up to the United Nations Decade for Human Rights Education, 1995-2004 (E/CN.4/2003/101), undertaken pursuant to paragraph 17 of Commission resolution 2002/74;

4. *Urges* all Governments to contribute further to the implementation of the Plan of Action, in particular by:

(*a*) Encouraging the establishment, in accordance with national conditions, of broadly representative national committees for human rights education responsible for the development of comprehensive, effective and sustainable national plans of action for human rights education and information, taking into consideration the recommendations of the midterm global evaluation of the Decade and the guidelines for national plans of action for human rights education developed by the Office of the High Commissioner;

(*b*) Encouraging, supporting and involving national and local non-governmental and community-based organizations in the implementation of their national plans of action;

(*c*) Initiating and developing cultural and educational programmes aimed at countering racism, racial discrimination, xenophobia and related intolerance, and supporting and implementing public information campaigns and specific training programmes in the field of human rights, as emphasized at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

5. *Encourages* Governments to consider, within their national plans of action for human rights education:

(*a*) The establishment of public access human rights resource and training centres capable of engaging in research, including the gender-sensitive training of trainers;

(*b*) The preparation, collection, translation and dissemination of human rights education and training materials;

(*c*) The organization of courses, conferences, workshops and public information campaigns and assistance in the implementation of internationally sponsored technical cooperation projects for human rights education and public information;

6. *Urges* States to intensify their efforts in the field of education, including human rights education, in order to promote an understanding and awareness of the causes, consequences and evils of racism, racial discrimination, xenophobia and related intolerance, and also urges States, in consultation with educational authorities and the private sector, as

appropriate, and encourages educational authorities and the private sector, as appropriate, to develop educational materials, including textbooks and dictionaries, aimed at combating those phenomena and, in this context, calls upon States to give importance, if appropriate, to textbook and curriculum review and amendment, so as to eliminate any elements that might promote racism, racial discrimination, xenophobia and related intolerance or reinforce negative stereotypes, and to include material that refutes such stereotypes;

7. *Encourages* the appropriate authorities to provide education, in children's schools, that includes lessons in mutual understanding, tolerance, active citizenship, human rights and the promotion of a culture of peace;

8. *Encourages* States, where national public access human rights resource and training centres exist, to strengthen their capacity to support human rights education and public information programmes at the international, regional, national and local levels;

9. *Encourages* Governments to support further, through voluntary contributions, the education and public information efforts undertaken by the Office of the High Commissioner within the framework of the Plan of Action;

10. *Encourages* the Office of the High Commissioner to continue to support national capacities for human rights education and information through its technical cooperation programme in the field of human rights, including the organization of training courses and peer education initiatives and the development of targeted training materials for professional audiences, as well as the dissemination of human rights information materials as a component of technical cooperation projects, to develop further its database and resource collection on human rights education and to continue to monitor developments in human rights education;

11. *Requests* the Office of the High Commissioner to continue the implementation of and to expand the "Assisting Communities Together" project and to consider other appropriate ways and means to support human rights education activities, including those undertaken by non-governmental organizations;

12. *Invites* the specialized agencies and relevant United Nations programmes and funds to continue to contribute, within their respective spheres of competence, to the implementation of the Plan of Action and the World Public Information Campaign and to cooperate and coordinate with each other and with the Office of the High Commissioner in that regard;

13. *Encourages* the relevant organs, bodies and agencies of the United Nations system, all human rights bodies of the United Nations system, including the Office of the United Nations High Commissioner for Human Rights and the Office of the United Nations High Commissioner for Refugees, to provide training in human rights for all United Nations personnel and officials;

14. *Requests* the human rights treaty bodies, when examining reports of States parties, to place emphasis on the obligations of States parties in the area of human rights education and to reflect that emphasis in their concluding observations;

15. *Requests* all relevant mechanisms of the Commission, i.e. working groups and special rapporteurs, representatives or experts, to include systematically in their reports a specific section on human rights education, as relevant to their mandate, as well as to include human rights education as an item on the agenda of their annual meetings, with a view to strengthening their contribution to human rights education;

16. *Encourages* Governments, regional organizations and intergovernmental and non-governmental organizations to explore the potential support and contribution to human rights education of all relevant partners, including the private sector, development, trade and financial institutions and the media, and to seek their cooperation in the development of human rights education strategies;

17. *Invites* the International Telecommunication Union to include the contribution of information technology to human rights education in the preparatory process of the World Summit on the Information Society, as well as at the World Summit itself, to be convened in Geneva in December 2003;

18. *Encourages* international and regional organizations to develop strategies for the wider distribution of materials on human rights education through regional networks and to develop region-specific programmes to maximize the participation of national entities, whether governmental or non-governmental, in programmes on human rights education;

19. Requests the Office of the United Nations High Commissioner for Human Rights to consult with all Member States and to report to the Commission at its sixtieth session on the establishment of a voluntary fund for human rights education, as envisaged in paragraph 51 of the Plan of Action for the Decade, to be funded by private and public entities, to be established by the Secretary-General before the end of the Decade (2004) and to be administered by the Office of the High Commissioner in accordance with the financial regulations and rules of the United Nations;

20. *Also requests* the Office of the High Commissioner to enhance cooperation with the United Nations Educational, Scientific and Cultural Organization;

21. *Further requests* the Office of the High Commissioner, jointly with the United Nations Educational, Scientific and Cultural Organization, to consult with all Member States on the achievements and shortcomings of the current United Nations Decade for Human Rights Education, taking into consideration the views of the international community already reflected in the Decade midterm evaluation report of the High Commissioner (see A/55/360) and the study of the High Commissioner on follow-up to the Decade, and to report to the Commission at its next session;

22. *Invites* the Office of the High Commissioner and the United Nations Educational, Scientific and Cultural Organization to consider devoting to this issue a segment of all relevant regional and subregional meetings planned from the present to the next session for the Commission;

23. *Requests* the High Commissioner to bring the present resolution to the attention of all members of the international community and of intergovernmental and non-governmental organizations concerned with human rights education and public information and to report to the Commission at its sixtieth session on progress made towards its implementation.

62nd meeting
25 April 2003
[Adopted without a vote. See chap. XVII.]

2003/71. Human rights and the environment as part of sustainable development

The Commission on Human Rights,

Welcoming the Johannesburg Declaration on Sustainable Development (A/CONF.199/20 and Corr.1, chap. I, resolution 1, annex) and the Plan of Implementation of the World Summit on Sustainable Development (ibid., resolution 2, annex),

Reaffirming the Declaration of the United Nations Conference on the Human Environment of 1972 (Stockholm Declaration) (A/CONF.48/14/Rev.1 and Corr.1) and the Rio Declaration on Environment and Development (A/CONF.151/26/Rev.1, vol. I and Corr.1, resolution 1, annex I) and Agenda 21 (ibid., annex II), adopted on 14 June 1992 by the United Nations Conference on Environment and Development,

Recalling its resolutions 1994/65 of 9 March 1994, 1995/14 of 24 February 1995, 1996/13 of 11 April 1996 and 2002/75 of 25 April 2002 and its decisions 1993/114 of 10 March 1993, 1997/102 of 3 April 1997, 2001/111 of 25 April 2001,

Taking note of the reports submitted to the Sub-Commission on the Promotion and Protection of Human Rights by it's the Special Rapporteur on human rights and the environment (E/CN.4/Sub.2/1992/7 and Add.1, E/CN.4/Sub.2/1993/7 and E/CN.4/Sub.2/1994/9 and Corr.1),

Bearing in mind the goals and targets of the United Nations Millennium Declaration and the United Nations' overarching agenda, including, inter alia, poverty eradication, human rights, sustainable development and peace-building,

Taking note of the Global Judges' Symposium on the Role of Law and Sustainable Development sponsored by the United Nations Environment Programme and held in Johannesburg, South Africa, from 18 to 20 August 2002,

Conscious of the mandate of the Commission on Sustainable Development to promote the implementation of Agenda 21 and the follow-up to the World Summit on Sustainable Development, as well as of the important work undertaken on environment issues by the United Nations Environment Programme and other relevant forums,

Welcoming the ongoing efforts for the implementation of principle 10 of the Rio Declaration on Environment and Development, and noting the entry into force of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (the Aarhus Convention) of the Economic Commission for Europe, adopted in 1998 by the Fourth Ministerial Conference "Environment for Europe" as well as other initiatives such as the Guidelines of the Economic Commission for Europe on access to environmental information and public participation in environmental decision-making of 1995, the Inter-American Strategy for the Promotion of Public Participation in Decision-Making for Sustainable Development adopted in 2000 by the Organization of American States, the First International Conference on Public Participation held in 2002 by the Asia-Europe Meeting and its follow-up by the Economic and Social Commission for Asia and the Pacific, the New Partnership for Africa's Development (A/57/304, annex) and decision 22/17 of the Governing Council of the United Nations Environment Programme of 7 February 2003,

Considering that protection of the environment and sustainable development can also contribute to human well-being and potentially to the enjoyment of human rights,

Recalling that everyone has the right to enjoy the benefits of scientific progress and its applications, as reflected in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights,

1. *Reaffirms* that peace, security, stability and respect for human rights and fundamental freedoms, including the right to development, as well as respect for cultural diversity are essential for achieving sustainable development and ensuring that sustainable development benefits all, as set forth in the Plan of Implementation of the World Summit on Sustainable Development;

2. *Recalls* that environmental damage can have potentially negative effects on the enjoyment of some human rights;

3. *Recalls* the extensive work of, and the reports and resolutions adopted by, the Commission on issues relevant to environmental protection and sustainable development and brings them to the attention of all concerned bodies and institutions;

4. *Reaffirms* that everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms and calls upon States to take all necessary and appropriate measures to protect the exercise of everyone's human rights when promoting environmental protection and sustainable development;

5. *Stresses* the importance for States, when developing their environmental policies, to take into account how environmental degradation may affect all members of society, including individuals and groups of individuals who are victims of or subject to racism, as reflected in the Durban Declaration and Programme of Action adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12);

6. *Encourages* all efforts towards the implementation of the principles of the Rio Declaration on Environment and Development, in particular principle 10, in order to contribute, inter alia, to effective access to judicial and administrative proceedings, including redress and remedy;

7. *Reaffirms* that good governance within each country and at the international level is essential for sustainable development;

8. *Welcomes* the Ministerial Declaration adopted on 23 March 2003 (A/57/785, annex) on the occasion of the Third World Water Forum, held in Kyoto, Japan, which points out the importance of good governance with a stronger focus on household and neighbourhood community-based approaches by addressing equity in sharing benefits, with due regard to pro-poor and gender perspectives in water policies, and notes that the Declaration calls for promoting the participation of all stakeholders and ensuring transparency and accountability in all actions;

9. *Also welcomes* actions taken by States, such as legal measures and public awareness activities, that promote and protect human rights and that also assist in the promotion of environmental protection and sustainable development;

10. *Requests* the United Nations High Commissioner for Human Rights and the United Nations Environment Programme, within their respective mandates and approved work programmes and budgets, to continue to coordinate their efforts in capacity-building activities for the judiciary;

11. *Requests* the Secretary-General to submit to the Commission at its sixtieth session a report on the consideration being given by States to the possible relationship between the environment and human rights, taking into account the contributions that concerned international organizations and bodies have made, and to transmit a copy of that report to the Commission on Sustainable Development;

12. *Decides* to continue its consideration of this question at its sixtieth session under the "Science and environment" sub-item of the agenda item entitled "Promotion and protection of human rights".

62nd meeting
25 April 2003
[Adopted without a vote. See chap. XVII.]

2003/72. Impunity

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant human rights instruments, as well as the Vienna Declaration and Programme of Action (A/CONF.157/23), in particular its Part II.E, paragraph 91,

Recalling the universality, interdependence and indivisibility of all human rights, civil, political, economic, social and cultural,

Recalling all its previous resolutions on the issue of impunity,

Taking note of the report of the Secretary-General on impunity (E/CN.4/2003/97) and noting all previous United Nations reports on the issue of impunity, *Taking note* of resolution 2001/22 of 16 August 2001 of the Sub-Commission on the Promotion and Protection of Human Rights, entitled "International cooperation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity" and recalling all previous resolutions of the Sub-Commission on impunity,

Recognizing the importance of combating impunity for all human rights violations that constitute crimes,

Acknowledging the work of the International Criminal Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda,

Recognizing the establishment of the International Criminal Court as an important contribution to ending impunity,

Recognizing also, as measures in the fight against impunity and in promoting accountability, the establishment of the Special Court for Sierra Leone and the issuance of its first indictments, the establishment of the Sierra Leone Truth and Reconciliation Commission, and the establishment of the Commission for Reception, Truth and Reconciliation in Timor-Leste and the Special Panel for Serious Crimes in the Dili District Court,

Taking note of the efforts by the Secretary-General and the Government of Cambodia to establish extraordinary chambers in the national courts of Cambodia for the prosecution of crimes committed by the Khmer Rouge,

Convinced that the practice and expectation of impunity for violations of international human rights or humanitarian law encourage such violations and are among the fundamental obstacles to the observance of international human rights and humanitarian law and the full implementation of international human rights and humanitarian law instruments,

Convinced also that exposing violations of human rights, holding their perpetrators, including their accomplices, accountable, obtaining justice for their victims, as well as preserving historical records of such violations and restoring the dignity of victims through acknowledgement and commemoration of their suffering, will guide future societies and are integral to the promotion and implementation of all human rights and fundamental freedoms and to the prevention of future violations,

Recognizing that accountability of perpetrators, including their accomplices, for grave human rights violations is one of the central elements of any effective remedy for victims of human rights violations and a key factor in ensuring a fair and equitable justice system and, ultimately, reconciliation and stability within a State,

Welcoming the establishment, by a number of States where serious human rights violations have occurred in the past, of mechanisms to expose such violations, including commissions of inquiry or commissions for achieving truth and reconciliation which complement the justice system, *Convinced* of the need for Governments to combat impunity by addressing past or ongoing violations, taking measures aimed at preventing their recurrence,

1. *Emphasizes* the importance of combating impunity to the prevention of violations of international human rights and humanitarian law and urges States to give necessary attention to the question of impunity for violations of international human rights and humanitarian law, including those perpetrated against women and children, and to take appropriate measures to address this important issue;

2. *Also emphasizes* the importance of taking all necessary and possible steps to hold accountable perpetrators, including their accomplices, of violations of international human rights and humanitarian law, recognizes that amnesties should not be granted to those who commit violations of international humanitarian and human rights law that constitute serious crimes and urges States to take action in accordance with their obligations under international law;

3. *Acknowledges* the historic significance of the entry into force of the Rome Statute of the International Criminal Court (A/CONF.183/9) on 1 July 2002 and calls upon all States to consider ratifying or acceding to it;

4. *Recognizes* that as of the inaugural ceremony of the International Criminal Court on 11 March 2003, 89 States had ratified or acceded to the Rome Statute, stresses the importance of the implementation by States parties of their obligations under the Rome Statute and calls upon States which are eligible to do so to continue to participate actively in the Assembly of States Parties;

5. *Calls upon* States and the United Nations High Commissioner for Human Rights to consider providing to States, upon their request, concrete and practical assistance and cooperation in seeking to achieve the goals set out in the present resolution;

6. *Calls upon* States to continue to support the work of the International Criminal Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda, and to consider supporting other initiatives to establish judicial mechanisms in cooperation with the United Nations, in accordance with international standards of justice, fairness and due process of law, including at the regional and national levels;

7. *Encourages* States to provide financial and other support to the Special Court for Sierra Leone, commends those States which have provided such support and expresses its satisfaction that the Court is operational;

8. *Recognizes* that, for the victims of human rights violations, public knowledge of their suffering and the truth about the perpetrators, including their accomplices, of these violations are essential steps towards rehabilitation and reconciliation, and urges States to intensify their efforts to provide victims of human rights violations with a fair and equitable process through which these violations can be investigated and made public and to encourage victims to participate in such a process, including by taking measures to ensure the protection of, and support and assistance to, victims and witnesses which are appropriate and sensitive to their needs, including gender-sensitive procedures, in judicial and truth and reconciliation processes;

9. *Welcomes* in this regard the establishment in some States of commissions of truth and reconciliation to address human rights violations that have occurred there, welcomes the publication in those States of the reports of those commissions and encourages other States where serious human rights violations have occurred in the past to establish appropriate mechanisms to expose such violations, to complement the justice system;

10. *Recognizes* that crimes such as genocide, crimes against humanity, war crimes and torture are violations of international law and that perpetrators of such crimes should be prosecuted or extradited by States, and urges all States to take effective measures to implement their obligations to prosecute or extradite perpetrators of such crimes;

11. *Stresses* the importance of bringing to justice those responsible for gender-related crimes and crimes of sexual violence that constitute in defined circumstances crimes against humanity and/or war crimes and/or serious violations or grave breaches of international humanitarian law;

12. *Urges* States as well as relevant international bodies to ensure that efforts to combat impunity, including judicial and truth and reconciliation processes, include appropriate procedures which are sensitive to the rights and special needs of children;

13. *Encourages* States in their efforts to strengthen their domestic capacity to combat impunity and requests the High Commissioner to provide, upon request, technical and legal assistance in developing national legislation and institutions to combat impunity in accordance with international standards of justice, fairness and due process of law;

14. *Recalls* its resolution 1998/53 of 17 April 1998, in which it took note of the Set of principles for the protection and promotion of human rights through action to combat impunity (E/CN.4/Sub.2/1997/20/Rev.1, annex II) produced by the Sub-Commission on the Promotion and Protection of Human Rights, requests the High Commissioner to make the Set of principles available, takes note that they have already been applied at the regional and national levels and invites other States, intergovernmental organizations and non-governmental organizations to consider integrating the Set of principles into their efforts to combat impunity;

15. *Requests* the Secretary-General again to invite States to provide information, including best practices, on any legislative, administrative or other steps they have taken to combat impunity for human rights violations in their territory and to provide information on remedies available to the victims of such violations;

16. *Also requests* the Secretary-General to commission an independent study, from within existing resources, on best practices, including recommendations, to assist States in strengthening their domestic capacity to combat all aspects of impunity, taking into account the Set of principles for the protection and promotion of human rights through action to combat impunity and how they have been applied, reflecting recent developments and considering the issue of their further implementation, and also taking into account the information and comments received pursuant to the present resolution, and to submit the study to the Commission no later than its sixtieth session;

17. *Invites* the special rapporteurs and other mechanisms of the Commission to continue to give due consideration to the issue of impunity in the discharge of their mandates;

18. *Decides* to continue its consideration of this matter at its sixtieth session under the same agenda item.

62nd meeting
25 April 2003
[Adopted without a vote. See chap. XVII.]

2003/73. Regional cooperation for the promotion and protection of human rights in the Asian and Pacific Region

The Commission on Human Rights,

Recalling its resolution 2002/82 of 26 April 2002,

Reiterating that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated, that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, and that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms,

Stressing that regional cooperation can play an important role in promoting universal respect for, and observance of, human rights and fundamental freedoms,

Recognizing the importance of an inclusive, step-by-step, practical and building-block approach towards enhancing regional cooperation for the promotion and protection of human rights in accordance with the pace and priorities to be set by the Governments of the Asian and Pacific region by consensus,

Recognizing also that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing,

Recognizing further the importance of human rights education in both formal and non-formal contexts in the promotion and protection of human rights,

Recognizing the valuable contribution that independent national institutions, intergovernmental organizations and non-governmental organizations can make in the field of human rights in the Asian and Pacific region, *Welcoming* the convening of the eleventh Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian-Pacific Region, held in Islamabad from 25 to 27 February 2003,

1. *Welcomes* the report of the Secretary-General (E/CN.4/2003/109) and the progress achieved in the implementation of Commission resolution 2002/82;

2. *Stresses* the importance of the linkages and mutually reinforcing aspects of all four areas of the Framework of Regional Technical Cooperation Programme for Asia and the Pacific (E/CN.4/1998/50, annex II) adopted at the sixth Workshop on Regional Arrangements for the Promotion and Protection of Human Rights in the Asian and Pacific Region, held in Tehran from 28 February to 2 March 1998, namely human rights education, national institutions for the promotion and protection of human rights, national plans of action for the promotion and protection of human rights and the strengthening of national human rights capacities, and strategies for the realization of the right to development and economic, social and cultural rights, and in this context notes the developments in connection with the Programme of Action for 2002-2004 concerning the Framework adopted in Beirut in March 2002 at the tenth Workshop;

3. *Also stresses* that developing and strengthening national capacities for the promotion and protection of human rights in accordance with national conditions provides the strongest foundation for effective and enduring regional cooperation in the field of human rights in the Asian and Pacific region;

4. *Commends* the contribution of the Government of Pakistan, as the host of the eleventh Workshop, to the promotion and protection of human rights in the Asian and Pacific region;

5. *Endorses* the conclusions of the eleventh Workshop on the next steps to be taken to facilitate the process of regional cooperation in the Asian and Pacific region;

6. *Welcomes* the in-depth discussions held during the eleventh Workshop reviewing developments in the Asian and Pacific region over the past year in the four priority areas under the Framework for Regional Technical Cooperation Programme in the Asian and Pacific Region;

7. *Also welcomes* the greater and valuable sharing of concrete national experiences at the eleventh Workshop on the implementation of all four areas of the Framework;

8. *Takes note* of the contribution of independent national institutions, intergovernmental organizations and representatives of non-governmental organizations to the eleventh Workshop and the initiative by the Office of the United Nations High Commissioner for Human Rights to hold a consultation of non-governmental actors one day prior to the official opening of the eleventh Workshop;

9. *Also takes note* of the diversity of views expressed at the eleventh Workshop on possible regional or subregional modalities of cooperation for the promotion and protection of human rights in the Asian and Pacific region as part of an inclusive, step-by-step, practical and building-block approach, as well as of the evaluation undertaken on the implementation of the Framework;

10. *Reaffirms* the desirability of developing national human rights plans of action through a process which ensures the participation of a wide range of relevant national, provincial and local government ministries and agencies, national human rights institutions, non-governmental organizations, academic institutions and other sectors of civil society and of evaluating these plans in order to benefit from lessons learned;

11. *Takes note with appreciation* of the establishment of independent national institutions in countries of the Asian and Pacific region and their important contribution to the process of regional cooperation;

12. *Encourages* Governments to promote the development of national strategies for human rights education which are comprehensive, participatory, effective and sustainable, and to accelerate the pace of implementation of such plans and strategies within the United Nations Decade for Human Rights Education, 1995-2004, so as to realize significant achievements by the end of the Decade;

13. *Recognizes* the importance of good governance at the national and international levels to ensure that all human rights are protected and that development resources are properly and effectively utilized to implement the right to development;

14. *Takes note* of the discussions at the eleventh workshops on, inter alia, all the obstacles to the effective realization of economic, social and cultural rights and the right to development and the need for international cooperation to support the efforts of countries to overcome them;

15. *Encourages* all States in the region to take concrete steps at the national level in connection with the implementation of the Framework for Regional Technical Cooperation Programme in the Asian and Pacific Region and to ensure that regional workshops undertaken within the Framework are accompanied by concrete and sustainable subregional and national activities, as well as training and awareness programmes for government officials and key professional groups concerned such as the police, prison officials, educators, judges, lawyers and parliamentarians, as appropriate;

16. *Welcomes* the efforts of the Office of the High Commissioner in developing partnerships for the implementation of its activities under the Framework to enhance national capacities for the promotion and protection of human rights in the region;

17. *Encourages* all Governments in the Asian and Pacific region to consider, as appropriate, making use of the facilities offered by the United Nations under the programme of advisory services and technical cooperation in the field of human rights to further strengthen national human rights capacities and in this regard calls upon the High Commissioner to continue to give adequate attention to the programme;

18. *Welcomes* contributions made to the Office of the High Commissioner by States of the Asian and Pacific region and invites all States of the region to consider contributing for the first time or increasing their contributions, particularly with respect to activities in the area of technical cooperation and the strengthening of national capacities and infrastructures in the field of human rights, as outlined in the *Annual Appeal 2003*;

19. *Requests* the Secretary-General to submit to the Commission at its sixtieth session a report containing the conclusions of the twelfth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian-Pacific Region and information on the progress achieved in the implementation of the present resolution;

21. *Decides* to continue its consideration of the question at its sixtieth session under the same agenda item.

62nd meeting
25 April 2003
[Adopted without a vote. See chap. XVIII.]

2003/74. Composition of the staff of the Office of the United Nations High Commissioner for Human Rights

The Commission on Human Rights,

Recalling that, in its report to the Special Commission of the Economic and Social Council (E/CN.4/1988/85 and Corr.1), the Commission reaffirmed that the paramount consideration for employing staff at every level was the need for the highest standards of efficiency, competence and integrity and was convinced that this objective was compatible with the principle of equitable geographical distribution and took into account Article 101, paragraph 3, of the Charter of the United Nations,

Recalling also Part II, paragraphs 11 and 17, of the Vienna Declaration and Programme of Action (A/CONF.157/23), in which the World Conference on Human Rights requested the Secretary-General and the General Assembly to provide sufficient human, financial and other resources to the Centre for Human Rights to enable it effectively, efficiently and expeditiously to carry out its activities, while recognizing the necessity for restructuring United Nations human rights machinery, in accordance with its real needs,

Reaffirming the significance of national and regional particularities and various historical, cultural and religious backgrounds, as well as of different political, economic and legal systems,

Recognizing that the United Nations pursues multilingualism as a means of promoting, protecting and preserving diversity of languages and cultures globally and that genuine multilingualism promotes unity in diversity and international understanding,

Taking into account the need to pay particular attention to the recruitment of personnel for the Office of the United Nations High Commissioner for Human Rights from unrepresented and underrepresented Member States, particularly from developing countries, thus improving the present staff composition, based on a more equitable geographical distribution,

Noting with deep concern that the report of the United Nations High Commissioner for Human Rights, submitted pursuant to Commission resolution 2002/80 of 25 April 2002 (E/CN.4/2003/111) concerning the geographical composition and the functions of the Office staff clearly reflects that one region is unequivocally overrepresented in the staff composition and that the imbalance has worsened (see the annexes to the present resolution), *Expressing again its concern* over the non-representation and underrepresentation of several Member States, especially developing countries, on the staff of the Office of the High Commissioner, particularly bearing in mind the criteria of equitable geographical distribution,

Expressing its concern also that the prevalence of project personnel has skewed the geographical distribution of the staff of the Office towards Western Europe and North America, compared to the Secretariat-wide pattern, as has the geographical distribution of consultants,

1. *Takes note* of the report of the High Commissioner on the composition of the staff of the Office of the High Commissioner;

2. *Welcomes* the commitment of the High Commissioner in the *Annual Appeal 2003* that all Geneva-based staff will be brought into an integrated personnel-administration system within the framework of United Nations rules and regulations;

3. *Regrets* that no progress has been achieved in the implementation of the resolutions on this subject, that one region accounts for more than half of the posts of the Office of the High Commissioner and for more posts than the four remaining regional groups combined, and that there has been a decrease in the posts subject to geographical distribution and an increase of the staff not subject to geographical distribution;

4. *Expresses its concern* that new recruitments have not been used to correct the imbalance in favour of one region and that more than half of the newly recruited staff for posts not subject to geographical distribution come from this same region, which accounts for more newly recruited staff than the four remaining regions combined;

5. *Also expresses its concern* about the widespread assignment of technical advisers (staff holding appointments under the 200 series of the Staff Rules of the United Nations) to carry out line functions, which should be performed by 100 series staff, and to supervise staff under the 100 series of the Staff Rules, a practice against established policies that should be discontinued;

6. *Reaffirms* that Article 101, paragraph 3, of the Charter of the United Nations should guide the Secretary-General in his policy for recruiting the staff of the Organization, mindful of the criteria of equitable geographical distribution;

7. *Also reaffirms* General Assembly resolutions 49/222 A and B of 23 December 1994 and 20 July 1995, 51/226 of 3 April 1997, 53/221 of 7 April 1999, 55/258 of 14 June 2001 and 57/305 of 15 April 2003 on human resources management;

8. *Further reaffirms* section X, paragraph 3, of General Assembly resolution 55/258 on human resources management, which reiterates the request to the Secretary-General to increase further his efforts to improve the composition of the Secretariat by ensuring a wide and equitable geographical distribution of staff in all departments;

9. *Considers* that it is necessary to take urgent, concrete and immediate action to change the currently prevailing geographical distribution of staff of the Office in favour of a more equitable distribution of posts, in accordance with Article 101 of the Charter, particularly by recruiting personnel from developing countries, including to key posts;

10. *Requests* the Secretary-General to take the necessary measures to ensure that particular attention is paid to recruiting personnel from unrepresented and underrepresented Member States, in particular from developing countries, for the existing vacancies and for additional posts in the Office of the High Commissioner to ensure an equitable geographical distribution, giving particular priority in this regard to recruitment for high-level and Professional posts and to the recruitment of women;

11. *Requests* the High Commissioner to ensure that, consistent with General Assembly resolution 50/11 of 2 November 1995, upon recruitment, personnel recruited have a command of and use at least one of the working languages of the Secretariat and that the use of another of the six official languages is duly encouraged and taken into account, particularly when promotion and incremental steps are under consideration, in order to ensure linguistic balance within the organization;

12. *Urges* donors to make their voluntary contributions unearmarked, as much as possible, to enable the High Commissioner flexibility in the allocation of staff and resources between the different activities and projects;

13. *Requests once again* the Secretary-General, in signing agreements with countries as a result of which Junior Professional Officers are provided to the Office of the High Commissioner, to urge those countries to ensure the allocation of additional financial resources to guarantee that personnel from developing countries are able to work as Junior Professional Officers, with a view to conforming with the principle of equitable geographical distribution; furthermore, a permanent mechanism must be established, by virtue of which every Junior Professional Officer from a donor country who joins the Office will be matched by another Junior Professional Officer from a developing country;

14. *Emphasizes* the importance of openly advertising all posts, including ad hoc appointments for field operations, including the dissemination of detailed job descriptions among all States prior to the filling of those posts;

15. *Requests* the High Commissioner to ensure that Junior Professional Officers are not given sensitive political assignments where their impartiality may be questioned;

16. *Affirms* that consultants shall not perform functions of staff members of the Organization nor have any representative or supervisory responsibility, that the High Commissioner should refrain from using consultants to carry out functions assigned to established posts, that consultants should be hired in strict accordance with existing rules and relevant resolutions of the General Assembly and where expertise is not available within the Organization, and that the High Commissioner should make greater efforts to ensure geographical balance among qualified consultants and individual contractors;

17. *Reaffirms* the importance of ensuring universality, objectivity and non-selectivity in the consideration of human rights issues and requests the High Commissioner to continue to ensure that the fulfilment of his mandate and that of the Office is guided by these principles;

18. *Stresses* that the staff of the Office of the High Commissioner need to maintain their neutrality and fully respect the independence of the work of all mechanisms of the Commission and the treaty bodies, while providing support to their functioning;

19. *Reiterates its request* to the High Commissioner to use the policy of new recruitments to correct the current imbalance in the composition of the staff of his Office;

20. *Also requests* the High Commissioner to submit a comprehensive report on the implementation of the present resolution to the Commission at its sixtieth session, which should include:

(*a*) The composition of the staff of the Office, organized by the five United Nations regional groups established by the General Assembly (African States, Asian States, Latin American and Caribbean States, Western European and Other States and Eastern European States) and reflecting, inter alia, grade, nationality and gender, including with regard to non-regular staff;

(*b*) Measures adopted to improve the current situation and their results;

(*c*) Recommendations to improve the current situation;

21. *Draws the attention* of the General Assembly to the present resolution in the context of the consideration of the agenda item on human resources management;

22. *Recalls* the request to the Joint Inspection Unit to undertake a comprehensive review of the management and administration of the Office of the High Commissioner, in particular, with regard to its impact on the recruitment policies and the composition of the staff, and to submit a report thereon to the Commission at its sixtieth session containing concrete proposals for the implementation of the present resolution;

23. *Decides* to consider this matter under the same agenda item at its sixtieth session.

62nd meeting
25 April 2003
[Adopted by a recorded vote of 32 votes to 14,
with 7 abstentions. See chap. XVIII.]

ANNEX I

Staff of the Office of the United Nations High Commissioner for Human Rights

*Geographical distribution (by number of posts)**

Regional groups	Posts subject to geographical distribution				Posts not subject to geographical distribution				Total			
	2000	2001	2002	2003	2000	2001	2002	2003	2000	2001	2002	2003
African States	11	10	12	10	25	21	22	24	36	31	34	34
Asian States	15	13	17	16	1	6	9	8	16	19	26	24
Latin America and Caribbean States	8	9	9	9	8	10	13	15	16	19	22	24
Eastern Europe States	5	5	5	6	1	6	6	7	6	11	11	13
Western Europe and Other States**	36	41	48	45	61	69	85	96	97	110	133	141
Total of posts	75	78	91	86	96	112	135	150	171	190	226	236

* Figures for 2003 were based on tables 1 and 2 of the report of the High Commissioner (E/CN.4/2003/111). The figures for the earlier years were based on the reports of the High Commissioner for those years.

** Includes Switzerland and Israel.

ANNEX II

Staff of the Office of the United Nations High Commissioner for Human Rights

*Geographical distribution (in per cent)**

Regional groups	Posts subject to geographical distribution				Posts not subject to geographical distribution				Total			
	2000	2001	2002	2003	2000	2001	2002	2003	2000	2001	2002	2003
African States	15	13	13	11.6	26	19	16	16	21	16	15	14.4
Asian States	20	17	19	18.6	1	5	7	5	9	10	11	10.1
Latin America and Caribbean States	11	11	10	10.5	8	9	10	10	9	10	10	10.1
Eastern Europe States	6	6	5	7	1	5	4	5	4	6	5	5.5
Western Europe and Other States**	48	53	53	52.3	64	62	63	64	57	58	59	59.8

* Percentages for 2003 were calculated based on tables 1 and 2 of the report of the High Commissioner (E/CN.4/2003/111). The figures for the earlier years were calculated based on the reports of the High Commissioner for those years.

** Includes Switzerland and Israel.

2003/75. Regional arrangements for the promotion and protection of human rights

The Commission on Human Rights,

Recalling its resolution 1993/51 of 9 March 1993 and its subsequent resolutions concerning regional arrangements for the promotion and protection of human rights,

Recalling also General Assembly resolution 32/127 of 16 December 1977 and its subsequent resolutions in this regard,

Bearing in mind the relevant resolutions of the Commission concerning advisory services and technical cooperation in the field of human rights, including its most recent on that subject, resolution 2002/87 of 26 April 2002,

Bearing in mind also the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), which reiterates, inter alia, the need to consider the possibility of establishing regional and subregional arrangements for the promotion and protection of human rights where they do not already exist,

Recalling that the World Conference recommended that more resources should be made available for the strengthening of regional arrangements for the promotion and protection of human rights under the programme of technical cooperation in the field of human rights of the Office of the United Nations High Commissioner for Human Rights,

Reaffirming that regional arrangements play an important role in promoting and protecting human rights and should reinforce universal human rights standards, as contained in international human rights instruments, and their protection,

Noting the progress achieved thus far in the promotion and protection of human rights at the regional level under the auspices of the United Nations, the specialized agencies and the regional intergovernmental organizations,

Considering that cooperation between the United Nations and regional arrangements in the field of human rights continues to be both substantive and supportive and that possibilities exist for increased cooperation,

Welcoming the fact that the Office of the High Commissioner has been systematically pursuing a regional and subregional approach through a variety of complementary means and methods in order to maximize the impact of the activities of the United Nations at the national level,

1. *Takes notes with satisfaction* of the report of the Secretary-General on regional arrangements for the promotion and protection of human rights (E/CN.4/2003/107 and Corr.1);

2. *Welcomes* the continuing cooperation and assistance of the Office of the High Commissioner in the further strengthening of the existing regional arrangements and regional machinery for the promotion and protection of human rights, in particular through technical cooperation which is aimed at national capacity-building, public information and education, with a view to exchanging information and experience in the field of human rights;

3. *Also welcomes*, in that respect, the close cooperation of the Office of the High Commissioner in the organization of regional and subregional training courses and workshops in the field of human rights, high-level governmental expert meetings and regional conferences of national human rights institutions, aimed at creating greater understanding in the regions of issues concerning the promotion and protection of human rights, improving procedures and examining the various systems for the promotion and protection of universally accepted human rights standards and identifying obstacles to ratification of the principal international human rights treaties and strategies to overcome them;

4. *Recognizes*, therefore, that progress in promoting and protecting all human rights depends primarily on efforts made at the national and local levels, and that the regional approach should imply intensive cooperation and coordination with all partners involved, while bearing in mind the importance of international cooperation;

5. *Stresses* the importance of the programme of technical cooperation in the field of human rights, renews its appeal to all Governments to consider making use of the possibilities offered by the United Nations under this programme of organizing information or training courses at the national level for government personnel on the application of international human rights standards and the experience of relevant international bodies, and notes with satisfaction, in that respect, the establishment of technical cooperation projects with Governments of all regions;

6. *Welcomes* the growing exchanges between the United Nations and the bodies created by the United Nations in accordance with the treaties dealing with human rights, on the one hand, and regional intergovernmental organizations, such as the Council of Europe, the Organization for Security and Cooperation in Europe, the Inter-American Commission on Human Rights, the African Commission on Human and Peoples' Rights and other regional institutions, on the other;

7. *Also welcomes* the placement by the Office of the High Commissioner of regional representatives in subregions and in regional commissions to allow for closer working relations with States, international and regional organizations as well as with non-governmental organizations;

8. *Welcomes* the progress achieved in the establishment of regional and subregional arrangements for the promotion and protection of human rights, and in this regard, notes with interest:

(*a*) The positive experience of the regional and subregional presence of the Office of the High Commissioner in southern, central, eastern and western Africa, as illustrated by the creation of the Subregional Centre for Human Rights and Democracy in Central Africa in Yaoundé;

(*b*) The results of the African regional dialogues held in Geneva and Arusha, United Republic of Tanzania, from 5 to 7 November 2001 and 24 to 26 May 2002, respectively, in providing guidance to Governments, regional organizations and non-governmental organizations as well as better links with the African Union and other subregional organizations;

(*c*) The increased, valuable sharing of concrete national experiences at the tenth and eleventh Workshops on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian-Pacific Region, held in Beirut and Islamabad from 4 to 6 March 2002 and from 25 to 27 February 2003, respectively, regarding the implementation of the Framework of Regional Technical Cooperation for the Asia and Pacific Region, which contributes to the enhancement of the promotion and protection of human rights in the region;

(*d*) The Quito Framework for Technical Cooperation in the Field of Human Rights, which serves as a basis for the regional strategy of the Office of the High Commissioner, aimed at strengthening national capacities for the promotion of human rights in Latin America and the Caribbean, and in this regard welcomes the meeting on the enforcement of the system of treaty bodies held in Quito in August 2002;

(*e*) The efforts made by the Organization of American States, the Inter-American Commission on Human Rights and the Office of the High Commissioner to improve the coordination between regional and United Nations mechanisms in the field of human rights;

(*f*) The continued cooperation, in particular for activities at the country level, between regional organizations in Europe, namely the Organization for Security and Cooperation in Europe, the Council of Europe and the European Union, and those in Central Asia and the Office of the High Commissioner, as well as the agreements between the European Commission and the Office for financing technical cooperation projects;

(*g*) The holding of an international conference on human rights and democratization in Dubrovnik, Croatia, from 8 to 10 October 2001, co-organized by the Office of the High Commissioner, the Government of Croatia and the European Commission, which provided the opportunity to review developments in the field of human rights in the region;

9. *Invites* States in areas in which regional arrangements in the field of human rights do not yet exist to consider concluding agreements with a view to establishing, within their respective regions, suitable regional machinery for the promotion and protection of human rights;

10. *Requests* the Secretary-General to continue to strengthen exchanges between the United Nations and regional intergovernmental organizations dealing with human rights and to make available adequate resources from within the regular budget of technical cooperation to the activities of the Office of the High Commissioner to promote regional arrangements;

11. *Requests* the Office of the High Commissioner to continue to pay special attention to the most appropriate ways of assisting countries of the various regions, at their request, under the programme of technical cooperation and to make, where necessary, relevant recommendations, and in this regard takes note with interest of the intention of the High Commissioner to make use of the regional approach to strengthen human rights-related United Nations actions at the country level in the framework of the Secretary-General's process of reform of the United Nations;

12. *Invites* the Secretary-General, in the report he will submit to the General Assembly at its fifty-ninth session, to provide information on progress made since the adoption of the Vienna Declaration and Programme of Action on reinforcing the exchange of

information and extending collaboration between the organs of the United Nations dealing with human rights and regional organizations in the field of the promotion and protection of human rights;

13. *Requests* the Secretary-General to submit to the Commission, at its sixty-first session, a report on the state of regional arrangements for the promotion and protection of human rights, to formulate concrete proposals and recommendations on ways and means to strengthen cooperation between United Nations and regional arrangements in the field of human rights and to include therein the results of action taken in pursuance of the present resolution;

14. *Decides* to consider this question further at its sixty-first session.

62nd meeting
25 April 2003
[Adopted without a vote. See chap. XVIII.]

2003/76. National institutions for the promotion and protection of human rights

The Commission on Human Rights,

Recalling the relevant resolutions of the General Assembly, notably resolution 48/134 of 20 December 1993, and its own resolutions concerning national institutions for the promotion and protection of human rights,

Welcoming the rapidly growing interest worldwide in the creation and strengthening of independent, pluralistic national institutions for the promotion and protection of human rights,

Convinced of the important role such national institutions play in promoting and protecting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms,

Recognizing that it is the prerogative of each State to choose, for the establishment of a national institution, the legal framework that is best suited to its particular needs and circumstances to ensure that human rights are promoted and protected at the national level in accordance with international human rights standards,

Recalling the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), in which was reaffirmed the important and constructive role played by national human rights institutions and their role in remedying human rights violations and in the dissemination of human rights information and education concerning human rights,

Recalling the Programme of Action (see A/CONF.157/NI/6) adopted by national institutions meeting in Vienna from 14 to 16 June 1993 during the World Conference on Human Rights, in which it was recommended that United Nations activities and programmes should be reinforced to meet the requests for assistance from States wishing to establish or strengthen their national institutions for the promotion and protection of human rights, *Welcoming* the strengthening of international cooperation among national human rights institutions, including through the International Coordinating Committee of National Institutions,

Welcoming also the strengthening in all regions of regional cooperation among national human rights institutions and between national human rights institutions and other regional human rights forums,

Noting with appreciation the existence of regional human rights networks in Europe and Africa, the continuing work of the Network of National Human Rights Institutions of the Americas and the work of the Asia Pacific Forum of National Human Rights Institutions, including the outcomes of its seventh annual meeting, held in New Delhi in November 2002,

Noting the initiative of the Council of the League of Arab States, as referred to in its resolutions 6089 of 12 March 2001, 6243 of 5 September 2002 and 6302 of 24 March 2003, to review and update the Arab Charter on Human Rights of 1994 and encourage the efforts of Arab non-governmental organizations to support this initiative,

Noting the valuable role played and contributions made by national institutions in United Nations meetings dealing with human rights and the importance of their continued appropriate participation,

1. *Reaffirms* the importance of the development of effective, independent, pluralistic national institutions for the promotion and protection of human rights in conformity with the Principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), annexed to General Assembly resolution 48/134;

2. *Reiterates*, on the tenth anniversary of their adoption by the General Assembly, the continued importance of the Paris Principles, recognizes the value of further strengthening their application and encourages States, national institutions and other interested parties to consider ways to achieve this;

3. *Encourages* States to establish or, where they already exist, to strengthen such institutions, as outlined in the Vienna Declaration and Programme of Action;

4. *Recognizes* that national institutions have a potentially crucial role to play in promoting and ensuring the indivisibility and interdependence of all human rights and calls upon all States to ensure that all human rights are appropriately reflected in the mandate of their national human rights institutions when established;

5. *Welcomes* the decisions of a growing number of States to establish, or to consider establishing, such institutions, including the trend towards their establishment in developed countries;

6. *Takes note with satisfaction* of the efforts of those States that have provided their national institutions with more autonomy and independence, including through giving them an investigative role or enhancing such a role, and encourages other Governments to consider taking similar steps;

7. *Recognizes* the important and constructive role that individuals, groups and organs of society can play for the better promotion and protection of human rights and encourages efforts by national institutions to establish partnerships and increase cooperation with civil society;

8. *Welcomes* the practice of national institutions which conform with the Paris Principles of participating in an appropriate manner in their own right in meetings of the Commission and its subsidiary bodies;

9. *Also welcomes* the continuation of the practice of national institutions convening regional meetings in some regions and its initiation in others, and encourages national institutions, in cooperation with the United Nations High Commissioner for Human Rights, to organize similar events with Governments and non-governmental organizations in their own regions;

10. *Affirms* the important role of national human rights institutions, in cooperation with other mechanisms for the promotion and protection of human rights, in combating racial and related forms of discrimination and in the protection and promotion of the human rights of women and the rights of particularly vulnerable groups, including children and people with disabilities, and in this context welcomes:

(*a*) The active participation of national institutions in the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the special session of the General Assembly on children;

(*b*) The involvement of national institutions in the study on human rights and disability commissioned by the High Commissioner, and encourages them to contribute to the work of the Ad Hoc Committee established pursuant to General Assembly resolution 56/168 of 19 December 2001;

11. *Recognizes* the important and constructive role that national institutions can play in human rights education, including by the publication and dissemination of human rights material and other public information activities during the United Nations Decade for Human Rights Education, 1995-2004, and calls upon all existing national institutions to implement human rights education training programmes across all relevant sectors of society;

12. *Commends* the High Commissioner for the priority accorded to the establishment and strengthening of national human rights institutions, including through technical cooperation, and calls upon Office of the United Nations High Commissioner for Human Rights to continue to strengthen its coordinating role in this field and to allocate the resources necessary for this work from both core and extrabudgetary sources;

13. *Welcomes* in this context the establishment of a national institutions web site (www.nhri.net) as an important vehicle for the delivery of information to national institutions and their partners and for sharing best practice, and further notes with satisfaction the intention of the Office of the High Commissioner to publish a compendium of national legislation relevant to national institutions;

14. *Expresses its appreciation* to those Governments that have contributed additional resources for the purpose of the establishment and strengthening of national human rights institutions;

15. *Welcomes* the important role of the International Coordinating Committee of National Institutions, in close cooperation with the Office of the High Commissioner, in assessing conformity with the Paris Principles and in assisting Governments and national institutions, when requested, to follow up on relevant resolutions and recommendations concerning the strengthening of national institutions;

16. *Requests* the Secretary-General to continue to provide, from within existing resources, the necessary assistance for holding meetings of the International Coordinating Committee during the sessions of the Commission, under the auspices of, and in cooperation with, the Office of the High Commissioner;

17. *Also requests* the Secretary-General to continue to provide, from within existing resources and from the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the necessary assistance for international and regional meetings of national institutions;

18. *Welcomes* the report of the Secretary-General (E/CN.4/2003/110) and requests him to report to the Commission at its sixtieth session on the implementation of the present resolution;

19. *Decides* to continue its consideration of this question at its sixtieth session.

62nd meeting
25 April 2003
[Adopted without a vote. See chap. XVIII.]

2003/77. Situation of human rights in Afghanistan

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and accepted humanitarian rules, as set forth in the Geneva Conventions for the protection of victims of war of 12 August 1949 and the Additional Protocols thereto of 1977,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

Recalling that Afghanistan is a party to several international human rights instruments and has obligations to report on their implementation, *Recalling also* its relevant resolutions and decisions, the relevant resolutions and presidential statements of the Security Council, the reports of the Secretary-General on children and armed conflict (S/2002/1299) and on women, peace and security (S/2002/1154) and the most recent resolution adopted by the Commission on the Status of Women,

Recalling further the Agreement on Provisional Arrangements in Afghanistan pending the Re-establishment of Permanent Government Institutions (the Bonn Agreement), signed in Bonn, Germany, on 5 December 2001,

Welcoming the presidential decree providing for the establishment of the new Afghan national army as a sign of the Afghan Transitional Authority's commitment to an ethnically balanced army, under civilian control, and stressing the importance of increased support for its early establishment and the ongoing demobilization programme, as well as the establishment of an effective police force,

Also welcoming the efforts of the Afghan Transitional Authority to re-establish the rule of law throughout Afghanistan as well as the full protection of human rights and fundamental freedoms, and emphasizing that a safe environment, free from violence, discrimination and abuse, is essential for a viable and sustainable recovery and reconstruction process,

Reiterating the need for safety, security and free movement of all United Nations and associated personnel, as well as of all foreign and local personnel of humanitarian organizations,

Recognizing the fundamental role of an independent judiciary in ensuring the protection of human rights and fundamental freedoms, with a view to combating impunity,

1. *Welcomes* the report of the Special Rapporteur on the situation of human rights in Afghanistan (E/CN.4/2003/39) as well as the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her visit to Afghanistan (E/CN.4/2003/3/Add.4) and takes note of the recommendations contained therein;

2. *Also welcomes* the ratification by Afghanistan of the Convention on the Elimination of All Forms of Discrimination against Women and acknowledges its accession to the Rome Statute of the International Criminal Court (A/CONF.183/9), and urges the Afghan Transitional Authority to consider as a matter of priority acceding to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and ratifying the 1951 Convention on the equal remuneration of men and women for work of equal value (No. 100) and the 1999 Convention on the prohibition and immediate action for the elimination of the worst forms of child labour (No. 182) of the International Labour Organization;

3. *Further welcomes* the establishment of the Independent Human Rights Commission and of the Judicial Commission, both of which will play a vital role in the promotion and protection of human rights and fundamental freedoms in Afghanistan;

4. *Encourages* the Afghan Transitional Authority and the international community to provide appropriate assistance to these commissions so they may fulfil their mandates promptly, effectively, and in a manner consistent with Afghanistan's international human rights obligations;

5. *Welcomes* the establishment of a constitutional drafting committee and the ongoing process to develop a new constitution, and stresses the importance of incorporating Afghanistan's international obligations in the new constitution, as well as the need to ensure the full participation of women in all processes leading up to the convening of the Constitutional Loya Jirga and in the Constitutional Loya Jirga itself;

6. *Recognizes* the steps already taken by the Afghan Transitional Authority to promote and protect human rights and fundamental freedoms;

7. *Recognizes* that exposing violations of human rights, holding the perpetrators, including their accomplices, accountable, obtaining justice for their victims, as well as preserving historical records of such violations and restoring the dignity of victims through the acknowledgement and commemoration of their suffering, will guide future societies and are integral to the promotion and implementation of all human rights and fundamental freedoms and to the prevention of future violations;

8. *Notes with concern* reports of violence perpetrated by Afghan elements against certain ethnic groups, internally displaced persons and refugees who have returned, as well as cases of arbitrary arrest and detention and attacks against women and girls;

9. *Affirms* the primary responsibility of the Afghan Transitional Authority, supported by the United Nations, to establish an environment of good governance, democracy and the rule of law as well as a Government that is broad-based, gender sensitive, multi-ethnic and fully representative of the Afghan people;

10. *Calls upon* the Afghan Transitional Authority, in application of the Bonn Agreement:

(*a*) To continue cooperating fully with all special rapporteurs and human rights mechanisms of the United Nations and to consider extending a standing invitation to them to visit the country;

(*b*) To respect fully Afghanistan's international human rights obligations without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, birth, descent or other status;

(*c*) To continue efforts to re-establish the rule of law, including by working with international donors to train law enforcement agencies to protect and uphold human rights and fundamental freedoms, and to take steps to provide greater access to justice, and to implement measures to reform the penitentiary system in conformity with international standards;

(*d*) To declare a moratorium on the death penalty in the light of procedural and substantive flaws in the Afghan judicial system, bearing in mind the safeguards guaranteeing protection of the rights of those facing the death penalty, annexed to Economic and Social Council resolution 1984/50 of 25 May 1984;

(*e*) To investigate allegations of human rights violations, in particular against ethnic minorities, as well as against women and girls;

(*f*) To facilitate the voluntary and orderly return and reintegration, in safety and dignity, of Afghan refugees and internally displaced persons;

(*g*) To respect and protect the human rights of Afghan women and girls, including by providing adequate support to the Women's Ministry, protecting women from all forms of violence, ensuring equal access to education and health care, addressing the problem of their extra-legal detention and ensuring their full participation in all spheres of Afghan life;

(*h*) To cooperate effectively with the international community in the fight against drug trafficking;

11. *Recognizes* the huge burden shouldered by neighbouring countries, especially the Islamic Republic of Iran and Pakistan, appreciates the efforts undertaken in these host countries to ease the plight of Afghan refugees and encourages them to continue cooperating with the Office of the United Nations High Commissioner for Refugees towards this end;

12. *Welcomes* the contributions of donors, urges them to fulfil promptly the funding commitments made at the International Conference on Reconstruction Assistance to Afghanistan, held in Tokyo on 21 and 22 January 2002, invites them to provide additional resources beyond those pledged in Tokyo, and urges the international community to cooperate with the Afghan Independent Human Rights Commission and the Advisory Group on Human Rights with a view to integrating human rights, including children's rights, and gender issues in donor-assisted programmes;

13. *Commends* the activities of the United Nations Assistance Mission in Afghanistan, the Office of the United Nations High Commissioner for Human Rights and other United Nations agencies in assisting Afghanistan with the implementation of the human rights provisions of the Bonn Agreement, in particular by supporting the Afghan Independent Human Rights Commission;

14. *Urges* the United Nations to provide assistance to the Afghan Transitional Authority in the organization and carrying out of a credible, free and fair electoral process in a secure environment for the elections due to take place by June 2004, and calls upon Member States to provide financial and technical support, including observers, for the process;

15. *Requests* the Secretary-General:

(*a*) To ensure that the post of senior gender advisor in the Assistance Mission is filled immediately and on a permanent basis, in order to mainstream a gender perspective in its activities;

(*b*) To appoint an independent expert for a period of one year to develop, in strict collaboration with the Afghan Transitional Authority, including the Afghan Independent Human Rights Commission, as well as with the Office of the High Commissioner and the Assistance Mission, a programme of advisory services to ensure the full respect and protection of human rights and the promotion of the rule of law and to seek and receive information about and report on the human rights situation in Afghanistan in an effort to prevent human rights violations;

16. *Invites* the relevant bodies of the United Nations, in particular the Office of the High Commissioner, within the framework of the Assistance Mission:

(*a*) To support the full implementation of the human rights provisions of the Bonn Agreement and the National Human Rights Programme for Afghanistan, including by ensuring that the promotion and protection of human rights are central to the purposes and functions of the Assistance Mission;

(*b*) To continue to support the work of the Afghan Independent Human Rights Commission;

17. *Invites* the independent expert to be appointed by the Secretary-General to provide a report on the situation of human rights in Afghanistan and on the achievements of the technical assistance in the field of human rights to the General Assembly and the Commission;

18. *Invites* the Special Rapporteur on violence against women, its causes and consequences, to continue to review the situation of women and girls in Afghanistan and to submit a report to the General Assembly and the Commission.

62nd meeting
25 April 2003
[Adopted without a vote. See chap. XIX.]

2003/78. Assistance to Somalia in the field of human rights

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights and other relevant human rights instruments,

Recalling its resolution 2002/88 of 26 April 2002,

Bearing in mind the statements by the President of the Security Council on the situation in Somalia of 28 March 2002 (S/PRST/2002/8), 12 December 2002 (S/PRST/2002/35) and 12 March 2003 (S/PRST/2003/2), the report of the Secretary-General on the situation in Somalia (S/2003/231), Council resolutions 1407 (2002) of 3 May 2002, 1425 (2002) of 22 July 2002 and 1474 (2003) of 8 April 2003, Council resolutions 1265 (1999) of 17 September 1999 on the protection of civilians in armed conflict and 1460 (2003) of 30 January 2003 on the use of children in armed conflicts, the report of the Secretary-General on protection for humanitarian assistance to refugees and others in conflict situations (S/1998/883), General Assembly resolution 54/192 of 17 December 1999, entitled "Safety and security of humanitarian personnel and protection of United Nations personnel", and the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2, annex),

Recalling the statement made by the President of the Security Council on the situation in Somalia of 12 March 2003 (S/PRST/2003/2), in which the Council reaffirmed its commitment to a comprehensive and lasting settlement of the situation in Somalia and its respect for the sovereignty, territorial integrity, political independence and unity of the country, consistent with the purposes and the principles of the Charter of the United Nations, *Welcoming* the establishment of a panel of experts, pursuant to Security Council resolutions 1425 (2002) and 1474 (2003), and its mandate to generate independent information on violations of the arms embargo as a step towards giving effect to and strengthening the embargo established by paragraph 5 of Council resolution 733 (1992) of 23 January 1992,

Recalling Security Council resolution 751 (1992) of 24 April 1992 on the situation in Somalia,

Recognizing that the people of Somalia have the principal responsibility for their national reconciliation process and that they are the ones to decide freely on their political, economic and social systems,

Noting with appreciation the conclusion of the first phase of the Somali national reconciliation process with the signing of the Declaration on Cessation of Hostilities and the Structures and Principles of the Somali National Reconciliation Process (Eldoret Declaration) on 27 October 2002 and the launching, in November 2002, of the second phase of the reconciliation process,

Noting with appreciation also the efforts made in favour of peace by the United Nations, the African Union, the League of Arab States, the European Union, the Organization of the Islamic Conference, the Movement of Non-Aligned Countries and the Intergovernmental Authority on Development Partners' Forum,

Expressing satisfaction that the people of the northern regions of Somalia, despite all difficulties, continue to enjoy relative peace and stability, as well as the provision of basic services,

Considering that the people of Somalia should not be abandoned by the international community and that human rights should be placed on the agenda of talks regarding the future of Somalia,

Emphasizing that the efforts to combat terrorism in Somalia are inseparable from the establishment of peace and governance in the country,

Highlighting the progress and the increasing efforts of the United Nations specialized agencies and programmes in improving the living conditions of the Somali people,

Highlighting also the meaningful work done by Somali civil society groups and non-governmental organizations, including humanitarian organizations, in the humanitarian field in their efforts to promote and protect human rights,

Recognizing the massive challenges facing Somalia with respect to immediate assistance as well as reconstruction and development,

Noting with concern that insecurity still remains in several parts of Somalia, and noting with disquiet that conflicts have erupted in areas of the country, lately in Mogadishu and Baidoa,

Noting also with concern that the humanitarian situation remains fragile throughout Somalia, *Noting further with concern* that the deterioration in the political and security situation produces significant negative consequences for the promotion and protection of human rights,

Welcoming the latest statement by the President of the Security Council, of 12 March 2003 (S/PRST/2003/2), including the request to the Secretary-General to continue putting in place, in a coherent manner, preparatory activities on the ground for a comprehensive post-conflict peace-building mission in Somalia once security conditions permit, as stipulated in the statement of the President of the Security Council of 28 March 2002 (S/PRST/2002/8), which should take into account combating poverty and strengthening public institutions,

Considering that humanitarian, human rights and development assistance is of paramount importance in contributing to the alleviation of poverty, promoting a more peaceful, equitable and democratic society in Somalia and supporting sustainable improvement of the livelihood of the Somali people and their improved access to basic public and social services, as well as the establishment of good governance,

Reaffirming its full support to the Intergovernmental Authority on Development-sponsored peace process and its commitment to moving the peace process forward,

Commending the Government of Kenya for its crucial role in facilitating the Somali national reconciliation process,

Underlining that the peace process in Somalia must continue and be completed through dialogue and not by resorting to the use of force,

1. *Welcomes:*

(*a*) The conclusion of the first phase of the Somali national reconciliation process which ended with the signing of the Eldoret Declaration by which the participants pledged to cease hostilities and guarantee the security of all humanitarian and development personnel and installations;

(*b*) The efforts of the Intergovernmental Authority on Development Technical Committee and particularly the positive effects of the consultations of the frontline States (Kenya, Djibouti and Ethiopia) on the reconciliation process held in Addis Ababa on 2 February 2003;

(*c*) The decision of the Intergovernmental Authority on Development Technical Committee, comprised of the three frontline States, to establish a committee with immediate effect, composed of Intergovernmental Authority representatives and international partners, responsible for monitoring both violations of and compliance with the Eldoret Declaration;

(*d*) The integration by a number of United Nations agencies of human rights issues into their programmes;

(*e*) The establishment of a contact group for Somalia both in Nairobi and in New York;

(*f*) The decision to revitalize the arms embargo established by the Security Council in resolution 733 (1992) through the establishment of a concrete mechanism for its enforcement by 30 April 2002;

2. *Emphasizes* the necessity of undertaking efforts against international terrorism in accordance with Security Council resolution 1373 (2001) of 28 September 2001 and urges all States and relevant international agencies to provide assistance to Somalia for the implementation of that resolution;

3. *Expresses the belief* that the national reconciliation process will contribute to ending the suffering of the Somali people;

4. *Encourages:*

(*a*) The Intergovernmental Authority on Development and its Technical Committee to move the peace process forward and to continue their active and positive role in support of the reconciliation process;

(*b*) All parties throughout Somalia to participate in the process, which offers a unique opportunity for all Somalis to end the suffering of their people and to restore peace and stability to their country;

(*c*) All States through the Intergovernmental Authority Partners' Forum to play an active and positive role in support of the reconciliation process;

5. *Expresses deep concern* at reported cases of rape, arbitrary and summary executions, torture and other cruel, inhuman or degrading treatment or punishment and violence, in particular against women and children, and at the absence of an effective judicial system, essential to ensure the right to a fair trial in accordance with international standards, and takes note of the need for appropriate investigation throughout Somalia in order to bring perpetrators to justice;

6. *Condemns*:

(*a*) The serious violations of the commitment undertaken by the parties on 27 October 2002 which are still occurring;

(*b*) The ongoing widespread violations and abuses of human rights and humanitarian law, in particular against internally displaced persons, minorities, vulnerable groups, women and children, including domestic violence, the continuing practice of female genital mutilation, which remains a matter of serious concern, as well as the forced displacement of civilians;

(*c*) All violations of international humanitarian law and human rights law, including the forced or compulsory recruitment of children for use in armed conflict, the use of these children in armed conflict by the militias, the practice of child labour, particularly domestic labour, and a juvenile justice system not in accordance with international standards;

(*d*) All acts of violence such as hostage-taking, abduction and murder, including of humanitarian relief workers and of United Nations agency personnel;

7. *Underlines*:

(*a*) The support given by the Office of the United Nations High Commissioner for Human Rights through the secondment of a senior human rights adviser responsible for mainstreaming human rights in the work of the United Nations agencies in Somalia and providing technical advice on the implementation of the United Nations Development Programme Somali Civil Protection Programme, based in Nairobi in the framework of the office of the United Nations resident humanitarian coordinator for Somalia, and encourages this human rights officer to continue to give meaningful assistance to the Somali people through the fulfilment of his mandate;

(*b*) The need for human rights to be an integral part of a future United Nations peace-building mission in Somalia;

(*c*) The need to integrate a gender perspective into all peace-building, reconstruction and reconciliation processes;

8. *Calls upon*:

(*a*) All parties throughout Somalia to strengthen their commitment to dialogue with the objective of widening and deepening the process of national reconciliation and to abide by and implement expeditiously the decision adopted throughout the process, including the Eldoret Declaration and the agreements regarding the restoration of security and the reopening of the international airport and seaport in Mogadishu;

(*b*) All signatories of the Eldoret Declaration to continue to participate fully in the peace negotiation with a view to achieving concrete results at an early date;

(*c*) All parties to stop all acts of violence, to abstain from engaging in hostilities and to prevent any act likely to increase tension during the peace negotiation;

(*d*) All States and other actors to comply scrupulously with the arms embargo established by Security Council resolution 733 (1992) and to continue to work closely with the mechanisms established to enforce the embargo pursuant to that Council resolution;

(*e*) All Member States and other actors contacted outside the region to cooperate fully with the Panel of Experts in its quest for information relating to the embargo, in accordance with Council resolution 1425 (2002) and article 2.5 of the Eldoret Declaration;

(*f*) All States, in particular those of the region, not to interfere in the internal affairs of Somalia; such interference only further destabilizes Somalia, contributes to a climate of fear, impacts adversely on human rights, and could jeopardize the sovereignty, territorial integrity, political independence and unity of Somalia; the territory of Somalia should not be used to undermine stability in the subregion;

(*g*) All States to prevent persons and entities from taking advantage of the situation in Somalia to finance, plan, facilitate, support or commit terrorist acts from the country, emphasizing that efforts to combat terrorism in Somalia are inseparable from the establishment of peace and governance in the country;

(*h*) All States to provide assistance to Somalia for the further and comprehensive implementation of Council resolution 1373 (2001);

(*i*) All States to commit themselves to the long-term objective of regional stability, inter alia by playing a positive role in the process of rebuilding national institutions in Somalia;

(*j*) Regional and international organizations and concerned countries to continue to intensify the coordinated efforts aimed at facilitating the national reconciliation process in Somalia, aware of the fact that the peaceful coexistence of all parties and groups is an important foundation for the respect of human rights;

(*k*) All parties throughout Somalia to respect human rights and international humanitarian standards as set out in international instruments, in particular those pertaining to internal armed conflicts;

(*l*) All parties throughout Somalia to protect and facilitate the work of United Nations personnel, humanitarian relief workers, human rights defenders and representatives of non-governmental organizations and of the international media, and to guarantee all persons involved in humanitarian action freedom of movement throughout the country and safe and unhindered access to civilians in need of protection and humanitarian assistance;

(*m*) All States, regional and international organizations and other actors to support a stronger field presence of the Office of the High Commissioner in Somalia and greater independence while maintaining close collaboration with other agencies working in the area of human rights;

(*n*) All relevant authorities and Member States to provide support for the voluntary return and reintegration of Somali refugees and the provision of urgent humanitarian assistance to, and protection for, those who have been internally displaced;

(*o*) All Member States to continue to provide increased assistance in response to the United Nations appeals for relief, rehabilitation and reconstruction efforts in all regions, including those aimed at the strengthening of civil society, encouraging good governance and the re-establishment of the rule of law, and to support the development of a culture of human rights and other activities of the Office of the High Commissioner concerning Somalia;

(*p*) The United Nations, its Member States and specialized agencies, non-governmental organizations and the Bretton Woods institutions to intensify their assistance, in particular in the fields of human rights, women's rights and gender equality, health (with special attention to combating human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) and other communicable diseases), demobilization of militia, disarmament, the struggle against the proliferation of small arms, mine clearing and rehabilitation of basic infrastructure;

(*q*) The United Nations, its Member States and specialized agencies fully to support and assist the Intergovernmental Authority on Development in the implementation of its decisions on Somalia, which are an important development for the peace process in the country;

(*r*) The United Nations and its Member States to double their efforts towards strengthening the Intergovernmental Authority peace initiative, taking concrete measures, inter alia smart sanctions targeting individuals blocking the reconciliation process and positive incentives, including targeted financial support;

(*s*) The United Nations and its Member States to support the efforts that the African Union will deploy towards the effective establishment of a mechanism for monitoring the Eldoret Declaration;

(*t*) Individual donor countries, international organizations and non-governmental organizations further to incorporate human rights principles and objectives in the humanitarian and development work they carry out in Somalia and to cooperate with the independent expert on the situation of human rights in Somalia;

9. *Commends* the work carried out by the independent expert and welcomes his report (E/CN.4/2003/115);

10. *Invites* Governments and organizations in a position to do so to respond positively to requests by the Secretary-General for assistance in the implementation of the present resolution;

11. *Requests* the United Nations High Commissioner for Human Rights to provide for the translation of the present resolution, accompanied by an appropriate background explanatory note, into the Somali language and for its wide dissemination within the country through the human rights officer for Somalia based in Nairobi;

12. *Decides*:

(*a*) To extend the mandate of the independent expert on the situation of human rights in Somalia for a further year and requests the independent expert to report to the Commission at its sixtieth session;

(*b*) To request the Secretary-General to continue to provide the independent expert with all necessary assistance in carrying out his mandate and to provide adequate resources, from within existing overall United Nations resources, to fund the activities of the independent expert and the High Commissioner in providing advisory services and technical assistance;

(*c*) To continue its consideration of this question at its sixtieth session under the same agenda item;

13. *Recommends* to the Economic and Social Council the following draft decision for adoption:

[For the text, see chap. I, sect. B, draft decision 21.]

62nd meeting
25 April 2003
[Adopted without a vote. See chap. XIX.]

2003/79. Situation of human rights in Cambodia

The Commission on Human Rights,

Bearing in mind its resolution 2002/89 of 26 April 2002, General Assembly resolution 57/225 of 18 December 2002 and previous relevant resolutions,

Recognizing that the tragic history of Cambodia requires special measures to ensure the protection of the human rights of all people in Cambodia and the non-return to the policies and practices of the past, as stipulated in the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, signed in Paris on 23 October 1991,

I. SUPPORT OF AND COOPERATION WITH THE UNITED NATIONS

1. *Requests* the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the office in Cambodia of the United Nations High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources for the continued functioning of the operational presence in Cambodia of the Office of the United Nations High Commissioner for Human Rights and to enable the Special Representative to continue to fulfil his task expeditiously;

2. *Welcomes* the report of the Secretary-General on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights (E/CN.4/2003/113), the report of the Special Representative of the Secretary-General for human rights in Cambodia (E/CN.4/2003/114), and also welcomes the use of the United Nations Trust Fund for a Human Rights Education Programme in Cambodia to finance the programme of activities of the office in Cambodia of the High Commissioner and invites the international community to consider contributing to the Trust Fund;

3. *Encourages* the Government of Cambodia to continue to cooperate with the office and other United Nations agencies in their joint efforts to promote human rights;

II. THE ROLE OF NON-GOVERNMENTAL ORGANIZATIONS

4. *Commends* the vital role played by non-governmental organizations in Cambodia, inter alia in human rights education and training and in the development of civil society, and encourages the Government of Cambodia to continue to ensure the protection of those human rights organizations and their members and to continue to work closely and cooperatively with them;

III. ADMINISTRATIVE, LEGISLATIVE AND JUDICIAL REFORM

5. *Notes with concern* the continued problems related to the rule of law and the functioning of the judiciary, resulting from, inter alia, corruption and interference by the executive with the independence of the judiciary, urges the Government to expedite legal and judicial reform, including finalizing the adoption of the laws and codes that are essential components of the basic legal framework, in particular a law on the status of judges and

prosecutors, a law on the organization and functioning of adjudicate courts and an anti-corruption law, and to ensure the independence, impartiality and effectiveness of the Supreme Council of the Magistracy and of the judicial system as a whole;

6. *Welcomes* the drafts of a penal code a code on criminal procedures, a civil code and a code on civil procedures, and the increase in the salaries and allowances of judges and prosecutors, and urges the Government to en[illegible] training of judges and lawyers through the Royal School for Training Judges and Prosec[illegible]nd the Centre for Lawyer Training and Professional Improvement of the Bar Association of the Kingdom of Cambodia;

7. *Urges* the Government of Cambodia to strengthen its efforts to tackle the problems related to land by enhancing transparency, giving high priority to the land management and administration reform project and undertaking a review of all land concession contracts and their implementation, and notes with concern the remaining problems of land grabbing, forced evictions and further displacement;

8. *Encourages* further efforts by the Government of Cambodia to implement expeditiously and effectively its reform programme, including the Governance Action Plan and police and military reforms, inter alia the demobilization programme;

9. *Welcomes* progress made by the Government of Cambodia towards removing all anti-personnel landmines and reducing the number of small arms in Cambodia, and encourages the continuing efforts of the Government of Cambodia and the international community to tackle these issues;

10. *Expresses serious concern* that the situation of impunity still exists in Cambodia, recognizes some actions undertaken by the Government of Cambodia to prosecute perpetrators of violations and calls upon the Government of Cambodia, as a matter of critical priority, to increase its efforts to investigate urgently and prosecute, in accordance with due process of law and international human rights standards, all those who have perpetrated serious crimes, including violations of human rights;

11. *Encourages* the Government of Cambodia to work towards free and fair general elections in July 2003 conducted in a peaceful manner, to investigate fully past incidents of intimidation, violence and killings and reports of vote-buying and to prosecute those responsible, to ensure that similar problems do not occur in connection with the general election and to pay close attention, in particular, to the safety and security of candidates and political activists, and to ensure neutrality on the part of State institutions, including an independent national election committee, proper law enforcement by the National Election Committee and the Cambodian judiciary and equitable access to all forms of media, including State broadcast media, for all parties;

12. *Notes with serious concern* the prison conditions in Cambodia, notes with interest some important efforts to improve the prison system, recommends the continuation of international assistance to improve the material conditions of detention and calls upon the Government of Cambodia to take further measures to improve the conditions of detention, including considering the introduction of non-custodial sentencing as an alternative to

imprisonment, to provide proper food and health care to prisoners and detainees, to meet the special needs of women and children, and to restore access to prisons and inmates for lawyers, family members and human rights organizations in accordance with relevant regulations in force;

IV. HUMAN RIGHTS VIOLATIONS AND VIOLENCE

13. *Expresses grave concern* about the continued violations of human rights, including torture, excessive pre-trial detention, violation of labour rights and forced evictions, as well as political violence, including killings of political activists, involvement by police and military personnel in violence and the apparent lack of protection from mob killings, notes that some progress has been made by the Government of Cambodia in addressing these issues, and urges the Government to take all necessary measures to prevent such violations, including consideration of the establishment of an independent board of inquiry on the issue of mob killings;

14. *Urges* the Government of Cambodia to take all steps to prevent racial violence against members of any ethnic group, to combat discrimination in all its manifestations against them and to protect their rights, as well as to meet its obligations as a party to the International Convention on the Elimination of All Forms of Racial Discrimination, inter alia by seeking technical assistance;

V. KHMER ROUGE TRIBUNAL

15. *Reaffirms* that the most serious human rights violations in Cambodia in recent history have been committed by the Khmer Rouge, and acknowledges that the final collapse of the Khmer Rouge and the continued efforts of the Government of Cambodia have provided the basis for the restoration of peace and stability with the aim of achieving national reconciliation in Cambodia and the investigation and prosecution of the leaders of the Khmer Rouge;

16. *Welcomes* the efforts aimed at concluding an agreement between the United Nations and the Government of Cambodia to set up Extraordinary Chambers to try, in accordance with international standards of justice, fairness and due process, those most responsible for the crimes and serious violations of Cambodian penal law, international humanitarian law and custom and international conventions recognized by Cambodia committed during the period of Democratic Kampuchea;

VI. PROTECTION OF WOMEN AND CHILDREN

17. *Welcomes* the efforts and progress made to improve the status of women, and urges the Government of Cambodia to take further appropriate measures to combat violence against women in all its forms and to take all steps to meet its obligations as a party to the Convention on the Elimination of All Forms of Discrimination against Women, including by seeking technical assistance;

18. *Commends* the efforts of the Government of Cambodia to impede the spread of human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS), and encourages it to continue to focus on the problem;

19. *Welcomes* the series of efforts by the Government of Cambodia to combat human trafficking, while noting with serious concern the growth of human trafficking and sexual exploitation of women and children internationally, and requests the Government and the international community to strengthen their concerted efforts comprehensively to address these problems;

20. *Notes with serious concern* the problem of child labour in its worst forms, calls upon the Government of Cambodia to take immediate and effective measures to protect children from economic exploitation and from performing any work that is likely to be hazardous, or to interfere with their education, or to be harmful to their health, safety, or morals, by the enforcement of Cambodian laws on child labour, existing labour laws and anti-trafficking law provisions on behalf of children and prosecuting those who violate these laws, invites the International Labour Organization to continue to extend the necessary assistance in this regard, and encourages the Government to consider ratifying the 1999 Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labour, (No.182) of that organization;

21. *Welcomes* the increased budget allocation in the areas of education and health and encourages timely disbursement and further efforts by the Government of Cambodia to improve the health conditions of children and their access to education, to promote free and accessible birth registration and to establish a juvenile justice system;

VII. CONCLUSION

22. *Encourages* the international community to assist the Government of Cambodia in its efforts to implement the present resolution;

23. *Requests* the Secretary-General to report to the Commission at its sixtieth session on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative of the Secretary-General for human rights in Cambodia on matters within his mandate;

24. *Decides* to continue its consideration of the situation of human rights in Cambodia at its sixtieth session under the agenda item entitled "Advisory services and technical cooperation in the field of human rights".

62nd meeting
25 April 2003
[Adopted without a vote. See chap. XIX.]

2003/80. Situation of human rights in Sierra Leone

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights and other applicable human rights instruments, *Recalling* its previous resolutions on the situation of human rights in Sierra Leone, as well as relevant resolutions of the Security Council, including resolution 1470 (2003) of 28 March 2003,

Recalling with deep regret violations and abuses of human rights and international humanitarian law that were perpetrated in Sierra Leone against civilians, including the abduction of women and children as well as the targeting and abuse of women and girls during the conflict,

Welcoming, in this regard, the first indictments by the Special Court for Sierra Leone of individuals charged with crimes against humanity, war crimes and other serious violations of humanitarian law, and the start of public hearings by the Truth and Reconciliation Commission,

Also welcoming the peaceful general and presidential elections that took place in Sierra Leone in May 2002 and the election of paramount chiefs later in the year, and taking note of preparations for upcoming municipal and district council elections,

Further welcoming the voluntary return of many Sierra Leonean refugees from Guinea and Liberia and of internally displaced persons to their communities, as well as the conclusion of the resettlement programme for internally displaced persons and the closure of camps in the provinces,

Expressing concern that the situation in the Mano River Union countries and in Côte d'Ivoire could have humanitarian repercussions for the region and for the progress achieved in Sierra Leone,

Reaffirming that many refugees and war-affected persons continue to need protection and assistance, and mindful that instability in the Mano River subregion and in Côte d'Ivoire continues to create displacements,

Recognizing that the Sierra Leone Human Rights Manifesto of 24 June 1999 contains an important basic framework for the promotion of human rights and encouraging its continued implementation as well as the future creation of an independent national human rights commission,

Recognizing the importance of technical cooperation for the promotion and protection of human rights, which will contribute to achieving stability and security in Sierra Leone,

1. *Welcomes*:

(*a*) The report of the United Nations High Commissioner for Human Rights to the Commission (E/CN.4/2003/35), including his conclusion that tremendous progress has been made in the implementation of the peace process in Sierra Leone;

(*b*) The report of the High Commissioner to the General Assembly (see A/57/284);

(*c*) The activities of the United Nations Mission in Sierra Leone, including the work of its Human Rights Section;

(*d*) The ongoing work of the Special Court for Sierra Leone to bring to justice those persons who bear the greatest responsibility for the commission of crimes against humanity, war crimes and other serious violations of international humanitarian law, as well as crimes under relevant Sierra Leonean law committed within the territory of Sierra Leone since 30 November 1996;

(*e*) The ongoing work of the Truth and Reconciliation Commission, inter alia to address impunity and accountability and promote healing in relation to the armed conflict in Sierra Leone from 1991 to 1999;

(*f*) Steps taken by the Government of Sierra Leone to extend its authority throughout the country, but notes with concern that it continues to face serious resource and other constraints in restoring civil administration at all levels and public services throughout the country;

(*g*) The decision of the Government of Sierra Leone to extend a standing invitation to the special mechanisms of the Commission;

(*h*) The assistance by the High Commissioner and the international community to the Government of Sierra Leone aimed at promoting a culture of human rights protection in Sierra Leone, including activities with all parties that had been engaged in the conflict;

(*i*) The initiatives and steps being taken by the Government of Sierra Leone and Sierra Leonean civil society in concert with the international community to build the human rights infrastructure in the country, particularly those related to the sensitization of communities on the objectives of the Special Court and the Truth and Reconciliation Commission, and reiterates the need for continued efforts in this regard to promote peace, justice and national reconciliation and to foster accountability and respect for human rights;

(*j*) The voluntary contributions already provided and the pledges made to the United Nations Trust Fund for the Special Court and also welcomes the Special Court's employment of experts on gender-based crimes;

(*k*) The work done by the National Commission on Disarmament, Demobilization and Reintegration, together with participating agencies, in continuing to facilitate reintegration and reconciliation within Sierra Leonean society;

(*l*) The human rights training, including specialized gender and child rights training, provided to national human rights monitors, police officers and military personnel;

(*m*) The ongoing work of the National Commission for War-Affected Children;

(*n*) The continued deployment and efforts of child protection advisers within the United Nations Mission in Sierra Leone to help to ensure the protection of children's rights, which is a priority throughout the peacekeeping process and the consolidation of peace in Sierra Leone, as well as the efforts of the United Nations Children's Fund in responding to the protection and assistance needs of children;

(*o*) The activities carried out by the International Committee of the Red Cross and other humanitarian organizations, especially those related to promoting respect for international humanitarian law, in such areas as medical assistance, relief activities and visits to detained persons, as well as efforts by other humanitarian organizations, including United Nations agencies, to rehabilitate the country's infrastructure to allow resettlement and reintegration of internally displaced persons and returning refugees;

2. *Expresses its deep concern* at:

(*a*) The continuing financial shortfall of the Multi-Donor Trust Fund for the Disarmament, Demobilization and Reintegration Programme, in particular its impact on the reintegration phase of the programme;

(*b*) The number of girls and women still held by former combatants against their will;

(*c*) The continuing reports of trafficking and illegal supply of small arms and related material, especially across international borders in the subregion, in contravention of relevant Security Council resolutions;

(*d*) Reports of the use of children in diamond-mining activities;

(*e*) The humanitarian situation affecting the population, including refugees and displaced persons in Sierra Leone and neighbouring States, caused by recent and ongoing violence and tensions in border regions, and at impediments to the safe and voluntary return of affected populations to their homes in the border region with Liberia;

3. *Urges*:

(*a*) All relevant parties in Sierra Leone, including civil society, to continue to cooperate with the Special Court and the Truth and Reconciliation Commission;

(*b*) All relevant parties in the region to continue to work towards the establishment of conditions which would permit the safe and voluntary return of displaced and refugee populations to their homes, and to ensure respect for human rights and fundamental freedoms and international humanitarian law;

(*c*) All States in the Mano River subregion to cooperate with the Special Court and the Truth and Reconciliation Commission and to work constructively for the consolidation of peace and security in Sierra Leone;

(*d*) The international community, including relevant United Nations agencies, to make available the necessary resources to ensure that there is no shortfall in the budget of the Special Court and the Truth and Reconciliation Commission, including for the conduct of investigations;

4. *Urges* the Government of Sierra Leone:

(*a*) To continue to work closely and to strengthen its cooperation in the area of human rights with the United Nations Mission in Sierra Leone and the Office of the United Nations High Commissioner for Human Rights;

(*b*) To continue working to reintegrate the remainder of the ex-combatants in all areas and to give special attention to former child combatants and female former combatants in the reintegration process, bearing in mind the special needs and particular vulnerabilities of girls;

(*c*) To ensure that the necessary conditions are provided for those women and girls who had been forced into matrimonial or other relationships during the conflict and that any other girls held against their will by ex-combatants are released immediately if they so wish;

(*d*) To continue to facilitate the effective functioning of the Truth and Reconciliation Commission and the National Commission for War-Affected Children;

(*e*) To give priority attention, in cooperation with the international community, to the special needs of all mutilated victims and of women and children in its care, in particular those sexually abused, gravely traumatized and displaced as a result of the conflict;

(*f*) To continue to work for the restoration of civil authority to provide basic public and social services, including security and the administration of justice, throughout Sierra Leone;

(*g*) To continue to encourage the cooperation of Sierra Leonean civil society in the functioning of the Special Court and the Truth and Reconciliation Commission;

5. *Decides*:

(*a*) To renew its request that the High Commissioner and the international community continue to assist the Government of Sierra Leone to maintain an effectively functioning Truth and Reconciliation Commission, and to cooperate with the Special Court;

(*b*) To request the international community to continue to participate in the strengthening, including through technical assistance, of the courts and judicial system of Sierra Leone, particularly the juvenile justice system, and to assist in the establishment of the national human rights commission;

(*c*) To urge the international community to respond to the respective appeals made by the Secretary-General and the Office of the High Commissioner and make available the necessary funds to ensure that the budgets of the Truth and Reconciliation Commission and the Special Court are fully covered, and requests the Government of Sierra Leone actively to seek the urgently needed funds;

(*d*) To request the Secretary-General to take all necessary measures to facilitate the activities of the Special Court, including those undertaken by the management committee;

(*e*) To request the High Commissioner and the international community to make further relevant technical assistance available to the Special Court and the Truth and Reconciliation Commission;

(*f*) To request the Secretary-General, the High Commissioner and the international community to continue to give all necessary assistance to the Human Rights Section of the United Nations Mission in Sierra Leone, including sustaining the level of integration of the Section into the work of the Mission, to enable it to fulfil its mandate to report on violations of international humanitarian law and human rights in Sierra Leone and, in consultation with the relevant United Nations agencies, assist the Government of Sierra Leone in its efforts to address the country's human rights needs, including:

(i) To strengthen its involvement in programmes of technical cooperation, advisory services and human rights advocacy programmes;

(ii) To strengthen its support for, and to continue and expand its cooperation with, human rights non-governmental organizations and other groups doing human rights work in Sierra Leone, including within the framework of the National Forum on Human Rights;

(*g*) To request the High Commissioner to report to the General Assembly at its fifty-eighth session and to the Commission at its sixtieth session on the human rights situation in Sierra Leone, including with reference to reports from the Human Rights Section of the Mission;

(*h*) To consider this question at its sixtieth session.

62nd meeting
25 April 2003
[Adopted without a vote. See chap. XIX.]

2003/81. Technical cooperation and advisory services in Chad

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments, and the duty to fulfil the obligations that they have undertaken under the various instruments in this field,

Mindful that Chad has an obligation to implement all the international and regional instruments to which it is a party,

Welcoming the positive attitude of the Government of Chad and its readiness to cooperate with the Office of the United Nations High Commissioner for Human Rights with a view to consolidating the culture of human rights,

Welcoming also the readiness of the Government of Chad to cooperate with the special procedures of the Commission and to consider inviting them to visit the country,

1. *Requests* the United Nations High Commissioner for Human Rights, in consultation with the Government of Chad, to elaborate a programme of technical assistance and advisory services in the field of human rights;

2. *Decides* to continue consideration of this matter under the same item at its sixtieth session.

62nd meeting
25 April 2003
[Adopted without a vote. See chap. XIX.]

2003/82. Technical cooperation and advisory services in Liberia

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments, and the duty to fulfil the obligations that they have undertaken under the various instruments in this field,

Mindful that Liberia has an obligation to implement all the international and regional instruments to which it is a party,

Welcoming the positive attitude of the Government of Liberia and its readiness to cooperate with the Office of the United Nations High Commissioner for Human Rights with a view to consolidating the culture of human rights, tolerance and reconciliation, inter alia through human rights education,

1. *Decides* to appoint an independent expert for an initial period of three years to facilitate cooperation between the Government of Liberia and the Office of the High Commissioner in the area of the promotion and protection of human rights by providing technical assistance and advisory services;

2. *Invites* the independent expert to visit Liberia to assess the situation of human rights in the country and to submit in this regard an initial report to the Commission at its sixtieth session;

3. *Requests* the United Nations High Commissioner for Human Rights to provide the independent expert with adequate resources in order to carry out his/her mandate;

4. *Decides* to consider this question at its sixtieth session under the same item.

62nd meeting
25 April 2003
[Adopted without a vote. See chap. XIX.]

2003/83. The right to development

The Commission on Human Rights,

Recalling the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986, which confirmed the right to development as an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals who make up nations, and the individual as the central subject and beneficiary of development,

Recalling also all its previous resolutions on the right to development, in particular resolution 1998/72 of 22 April 1998 in which it referred to the urgent need to make further progress towards the realization of the right to development as set out in the Declaration,

Reaffirming the conclusions of the Working Group on the Right to Development adopted at its third session and appearing in its report (E/CN.4/2002/28/Rev.1) and the need for their follow-up and effective implementation,

Recognizing that the Working Group is the only global forum on the right to development mandated to monitor and review progress made in the promotion and implementation of the right to development as elaborated in the Declaration at the national and international levels, providing recommendations thereon and further analysing obstacles to its full enjoyment, focusing each year on specific commitments in the Declaration,

Noting with appreciation the report of the United Nations High Commissioner for Human Rights on the importance and application of the principle of equity at both the national and international levels (E/CN.4/2003/25), which makes a contribution to the deliberations of the Commission and of the Working Group,

Noting the approach adopted by the High Commissioner in his report to the Working Group (E/CN.4/2003/7), which develops appropriate linkages between the substantive outcomes of the major United Nations summits and conferences in the economic and social fields,

Recognizing the valuable contribution made by the independent expert on the right to development through his fifth report to the Working Group and the preliminary study on the impact of international economic, financial and trading issues on the enjoyment of human rights,

Regretting that the Working Group at its fourth session could not reach a conclusion, in particular on the implementation of the conclusions of the third session of the Working Group, while aware of the views and observations of the Chairperson-Rapporteur (E/CN.4/2003/26, annex I),

1. *Recognizes* the importance of maintaining political will and commitment on the part of all members of the Working Group on the Right to Development for the realization of its mandate;

2. *Requests* the Sub-Commission on the Promotion and Protection of Human Rights to prepare a concept document establishing options for the implementation of the right to development and their feasibility, inter alia, an international legal standard of a binding nature, guidelines on the implementation of the right to development and principles for development partnership, based on the Declaration on the Right to Development, including issues which any such instrument might address, for submission to the Commission at its sixty-first session for its consideration and determination of the feasibility of those options;

3. *Also requests* the Sub-Commission in this respect to take into account the outcomes of all major United Nations and other global summits and ministerial meetings in the economic and social fields as well as the conclusions adopted at the third session of the Working Group on the Right to Development;

4. *Requests* the Office of the United Nations High Commissioner for Human Rights to assist the Sub-Commission in its work on the preparation of the concept document by providing studies on existing bilateral and multilateral programmes and policies, with a view to identifying lessons learnt, best practices and the role that could be played by relevant actors, including national human rights institutions, in the creation and implementation of the development partnership;

5. *Requests* the High Commissioner to convene a two-day high-level seminar immediately prior to the next session of the Working Group and within its 10 working days, inviting all the relevant actors from the human rights, trade, financial and development fields to review and identify effective strategies for mainstreaming the right to development in the policies and operational activities of the major international organizations/institutions, and as a way of contributing to the Sub-Commission's work on the proposed concept document;

6. *Takes note* of the latest reports of the independent expert and requests him to collaborate actively with the Sub-Commission in preparing the proposed concept document;

7. *Requests* the independent expert, in consultation with all relevant United Nations agencies and Bretton Woods institutions, to deepen his study on the elements contained in his preliminary study on the impact of international economic and financial issues on the enjoyment of the right to development, including by analysing the existing efforts and means of assessing and evaluating such an impact, focusing in particular on the question and impact of the transfer of technology, and to submit a report to the Working Group at its next session;

8. *Requests* the Office of the High Commissioner to provide all necessary administrative support and financial and human resources to the Sub-Commission and the independent expert in their work on the proposed concept document;

9. *Decides* to renew the mandate of the Working Group for one year and to convene its fifth session before the sixtieth session of the Commission, for a period of 10 working days, to consider the outcome of the seminar and further initiatives in accordance with its mandate;

10. *Decides* to review the progress in the implementation of the present resolution as a matter of priority at its sixtieth session;

11. *Recommends* the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 24.]

63rd meeting
25 April 2003
[Adopted by a recorded vote of 47 votes to 3,
with 3 abstentions. See chap. VII.]

2003/84. Situation of human rights in Iraq

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that Iraq is a party to the International Covenants on Human Rights and to other international human rights instruments,

Mindful also that all the parties to the current conflict in Iraq are parties to the Geneva Conventions of 12 August 1949 for the protection of victims of war,

Taking note of Security Council resolution 1472 (2003) of 28 March 2003,

Noting the central role of the United Nations system and its unique capacity and practical experience in coordinating assistance in conflict and post-conflict situations, inter alia with regard to the protection of and respect for human rights,

Recalling previous resolutions of the General Assembly and the Commission on the subject, most recently Assembly resolution 57/232 of 18 December 2002 and Commission resolution 2002/15 of 19 April 2002, as well as Security Council resolution 686 (1991) of 2 March 1991, in which the Council demanded that Iraq release all Kuwaiti and third-State nationals detained by Iraq,

1. *Reiterates its strong condemnation* of the systematic, widespread and extremely grave violations of human rights and of international humanitarian law by the Government of Iraq over many years, which have resulted in an all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror;

2. *Requests* all parties to the current conflict in Iraq to abide strictly by their obligations under international humanitarian law, in particular the Geneva Conventions and the Regulations annexed to the Hague Convention of 1907 concerning the Laws and Customs of War on Land, including those relating to the essential civilian needs of the people of Iraq;

3. *Calls upon* the international community, including all parties to the current conflict, to address as a matter of urgency the major humanitarian needs of the people of Iraq;

4. *Also calls upon* the international community to assist in the development of free and democratic institutions in Iraq that respect and ensure the rights of individuals, irrespective of their origin, ethnicity, gender or religion, in accordance with the international human rights treaties;

5. *Welcomes* the report of the Special Rapporteur on the situation of human rights in Iraq (E/CN.4/2003/40 and Add.1);

6. *Decides*:

(*a*) To extend the mandate of the Special Rapporteur, as contained in Commission resolution 1991/74 of 6 March 1991 and subsequent resolutions, for a further year and requests the Special Rapporteur to submit an interim report on the situation of human rights in Iraq, focusing on newly available information about violations of human rights and international law by the Government of Iraq over many years, to the General Assembly at its fifty-eighth session and to report to the Commission at its sixtieth session;

(*b*) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully;

(*c*) To continue its consideration of the situation of human rights in Iraq at its sixtieth session under the same agenda item;

7. *Recommends* the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 25.]

63rd meeting
25 April 2003
[Adopted by a recorded vote of 31 votes to 3,
with 12 abstentions. See chap. IX.]

2003/85. Abduction of children in Africa

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, the Convention on the Rights of the Child, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Civil and Political Rights, the African Charter on Human and People's Rights and the African Charter on the Rights and Welfare of the Child, *Recalling also* the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography,

Reaffirming the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23) and the United Nations Millennium Declaration, and recalling the special session of the General Assembly on children, which inter alia called for the protection of children, particularly those under difficult circumstances,

Recalling the obligation to respect and strictly observe international humanitarian law, including the Geneva Conventions of 12 August 1949 for the protection of victims of war, the additional Protocols thereto of 1977 and other applicable instruments of international law,

Bearing in mind Security Council resolutions 1379 (2001) of 20 November 2001 and 1460 (2003) of 30 January 2003 (2003) on children in armed conflict,

Taking into account its own resolutions on the rights of the child,

Welcoming the appointment by the Secretary-General of the independent expert for a study on violence against children,

Welcoming the report of the Special Representative of the Secretary-General on the impact of armed conflict on children (E/CN.4/2003/77),

Expressing its appreciation to those African countries which have established national mechanisms to ensure greater protection of children, including measures to combat and eliminate abduction of children,

Deeply alarmed at the spread of the practice of abduction of children during armed conflicts in many African countries,

1. *Condemns in the strongest terms* the abduction and recruitment of children for armed conflicts;

2. *Also condemns* the abduction of children from refugee camps by armed groups, as distinct from the armed forces of States, and their subjection of children to forced conscription, torture, killing and rape;

3. *Demands* the immediate demobilization and disarmament of all child soldiers, including abducted children forcibly conscripted into armed groups;

4. *Calls for* the immediate and unconditional release and safe return of all abducted children to their families and communities;

5. *Calls upon* African States:

(*a*) To pay particular attention to the protection of refugee children, especially unaccompanied refugee minors, and internally displaced children who are exposed to the risk of being abducted or becoming involved in armed conflicts;

(*b*) To take extra measures to protect refugee children, particularly girls, from being abducted by guerrilla groups;

(*c*) To increase and enhance cooperation at regional and international levels to combat networks of abduction and child trafficking and to suppress their activities;

(*d*) To take adequate measures to prevent the abduction and recruitment of children by armed groups, as distinct from armed forces of States, through, inter alia, the adoption of legal measures to prohibit and criminalize such practices;

6. *Encourages* all African States to integrate the rights of the child into all peace processes, peace agreements and post-conflict recovery and reconstruction phases;

7. *Urges* all African States that have not yet done so to ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;

8. *Welcomes* the progress achieved in the eradication of abduction of children by some national mechanisms and encourages other States which have not yet done so to consider establishing such mechanisms;

9. *Requests* African States, in cooperation with the relevant United Nations agencies, to provide the victims and their families with the necessary assistance and to support sustainable rehabilitation and reintegration programmes for abducted children, including the provision of psychological assistance, basic education and vocational training, taking into account the special needs of abducted girl children;

10. *Calls upon* the donor community to provide generous financial assistance to national mechanisms, where they exist, established in some African countries with a view to complementing their national efforts in combating abduction of children;

11. *Decides* to continue its consideration of this question at its sixtieth session under the same agenda item.

63rd meeting
25 April 2003
[Adopted without a vote. See chap. XIII.]

2003/86. Rights of the child

The Commission on Human Rights,

Emphasizing the importance of the Convention on the Rights of the Child and that its provisions and other relevant human rights instruments must constitute the standard in the promotion and protection of the rights of the child, and reaffirming that the best interests of the child shall be a primary consideration in all actions concerning children,

Bearing in mind the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and the Optional Protocol to the Convention on the involvement of children in armed conflict, *Reaffirming* the World Declaration on the Survival, Protection and Development of the Child and the Plan of Action for the Implementation of the World Declaration on the Survival, Protection and Development of the Child in the 1990s adopted in September 1990 by the World Summit for Children (A/45/625, annex), the United Nations Millennium Declaration and the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), which, inter alia, state that national and international mechanisms and programmes for the safeguard and protection of children, in particular those in especially difficult circumstances, should be strengthened, including through effective measures to combat exploitation and abuse of children, female infanticide, harmful child labour and the immediate elimination of its worst forms, sale of children and organs, child prostitution and child pornography, as well as other forms of sexual abuse,

Reaffirming also the document entitled "A world fit for children" adopted by the General Assembly at its twenty-seventh special session, on children, annexed to resolution S-27/2 of 10 May 2002 and the firm commitments contained therein to promote and protect the rights of each child - every human being below the age of 18 years,

Recalling all its previous resolutions relating to the rights of the child, particularly resolutions 2000/85 of 27 April 2000, 2001/75 of 25 April 2001 and 2002/92 of 26 April 2002, and taking note of General Assembly resolution 57/190 of 18 December 2002,

Welcoming the integration of child rights issues into the outcome documents of all major United Nations conferences, special sessions and summits,

Welcoming also the work of the Committee on the Rights of the Child in examining the progress made by States parties in implementing the obligations undertaken in the Convention on the Rights of the Child and in providing recommendations to States parties on its implementation and, in cooperation with the Office of the United Nations High Commissioner for Human Rights, in enhancing awareness of the principles and provisions of the Convention, and taking note of the conclusions of the general discussions on the private sector as service provider and its role in implementing child rights held in September 2002 during the thirty-first session of the Committee (see CRC/C/121, chap. VI),

Welcoming further the entry into force of the amendment to article 43, paragraph 2, of the Convention allowing for the increase of the membership of the Committee on the Rights of the Child from 10 to 18 and hoping that this change will allow the Committee to deal efficiently with the new challenges in monitoring the two Optional Protocols to the Convention, and hoping also that the Committee will reduce its backlog,

Welcoming the appointment by the Secretary-General of the independent expert for the study on violence against children,

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of the persistence of poverty, social inequality, inadequate social and economic conditions in an increasingly globalized economic environment, pandemics, in particular human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS), malaria and tuberculosis, natural disasters, armed conflicts, displacement, exploitation, illiteracy, hunger, intolerance, discrimination, disability and inadequate legal protection, and convinced that urgent and effective national and international action is called for, *Recognizing* that environmental damage has potentially negative effects on children and their enjoyment of their life, health and a satisfactory standard of living,

Underlining the need for mainstreaming a gender perspective in all policies and programmes relating to children,

Concerned that, in conflict situations, children continue to be victims and deliberate targets of attacks with consequences that are often irreversible for their physical and emotional integrity,

Welcoming the reports of the Secretary-General on the status of the Convention on the Rights of the Child (E/CN.4/2003/76), of the Special Rapporteur on the right to education (E/CN.4/2003/9 and Add.1-2), of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2003/79 and Add.1-2), of the Special Representative of the Secretary-General on the impact of armed conflict on children submitted to the General Assembly at its fifty-seventh session (see A/57/402) and to the Commission at its fifty-ninth session (E/CN.4/2003/77) and the report of the Secretary-General on children and armed conflict (S/2002/1299),

Concerned at the number of illegal adoptions, of children growing up without parents and of child victims of different forms of violence, abuse, exploitation and neglect within and outside the family,

Recognizing that the family is the basic unit of society and as such should be strengthened; that it is entitled to receive comprehensive protection and support; that the primary responsibility for the protection, upbringing and development of children rests with the family; that all institutions of society should respect children's rights and secure their well-being and render appropriate assistance to parents, families, legal guardians and other caregivers so that children can grow and develop in a safe and stable environment and in an atmosphere of happiness, love and understanding, bearing in mind that in different cultural, social and political systems, various forms of family exist,

Recognizing also that partnership between Governments, international organizations and relevant bodies and organizations of the United Nations system, in particular the United Nations Children's Fund, and all actors of civil society, in particular non-governmental organizations, as well as the private sector, is important to realize the rights of the child,

Bearing in mind the International Decade for a Culture of Peace and Non-Violence for the Children of the World, 2001-2010 and recalling the Declaration and Programme of Action on a Culture of Peace, which serve as the basis for the International Decade,

Reaffirming the interrelatedness of all human rights and the necessity of taking into account the universality, indivisibility, interdependence and interrelatedness of civil, political, economic, social and cultural rights, including the right to development, to promote and protect the rights of the child,

I. IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD AND OTHER INSTRUMENTS

1. *Urges once again* the States that have not yet done so to consider signing and ratifying or acceding to the Convention on the Rights of the Child as a matter of priority and, concerned at the great number of reservations to the Convention, urges States parties to withdraw reservations incompatible with the object and purpose of the Convention and to consider reviewing other reservations with a view to withdrawing them;

2. *Urges* the States that have not yet done so to consider signing and ratifying or acceding to the Optional Protocols to the Convention on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography;

3. *Calls upon* States parties to implement the Convention fully and to ensure that the rights set forth in the Convention are respected without discrimination of any kind and that the best interests of the child are a primary consideration in all actions concerning children, to recognize the child's inherent right to life and that the child's survival and development are ensured to the maximum extent possible, and that the child is able to express his or her views freely in all opinions on matters affecting him or her and that these views are listened to and given due weight in accordance with his or her age and maturity;

4. *Stresses* that the achievement of the goals of the World Summit for Children and the special session of the General Assembly on children will contribute to the implementation of the Convention;

5. *Urges* States parties to take all appropriate measures for the implementation of the rights recognized in the Convention, bearing in mind article 4 of the Convention, by strengthening relevant governmental structures for children, including, where appropriate, ministers in charge of child issues and independent commissioners for the rights of the child;

6. *Calls upon* all States to put an end to impunity, as a way to prevent violations of international human rights and humanitarian law, including where children are victims, in particular for serious crimes, such as the crime of genocide, crimes against humanity and war crimes, to bring perpetrators of such crimes to justice and not to grant amnesties for these crimes;

7. *Encourages* all States to strengthen their national statistical capacities and to use disaggregated statistics, inter alia, disaggregated by age, gender and other relevant factors that may lead to disparities, and other statistical indicators at the national, subregional, regional and international levels in order to develop and assess social policies and programmes so that economic and social resources are used efficiently and effectively for the full realization of the rights of the child;

8. *Calls upon* States parties:

(*a*) To ensure that the members of the Committee on the Rights of the Child are of high moral standing and recognized competence in the field covered by the Convention, serving in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems;

(*b*) To strengthen their cooperation with the Committee and to comply in a timely manner with their reporting obligations under the Convention and the Optional Protocols thereto, in accordance with the guidelines elaborated by the Committee, as well as to take into account the recommendations made by the Committee in the implementation of the provisions of the Convention;

9. *Decides* to request the Secretary-General to ensure the provision of appropriate staff and facilities from the United Nations regular budget for the effective and expeditious performance of the functions of the Committee, and invites the Committee to continue to enhance its constructive dialogue with the States parties and its transparent and effective functioning;

10. *Requests* the Office of the United Nations High Commissioner for Human Rights, United Nations mechanisms, all relevant organs of the United Nations system, in particular special representatives, special rapporteurs and working groups, regularly and systematically to incorporate a strong child rights perspective throughout all activities in the fulfilment of their mandates, as well as to ensure that their staff is trained in child protection matters, and calls upon States to cooperate closely with them;

11. *Calls upon* all States and relevant actors concerned to continue to cooperate with the special rapporteurs and special representatives of the United Nations system in the implementation of their mandates, requests the Secretary-General to provide them with appropriate staff and facilities from the United Nations regular budget, when this is in accordance with their respective mandates, invites States to continue to make voluntary contributions, where appropriate, and urges all relevant parts of the United Nations system to provide them with comprehensive reporting to make the full discharge of their mandates possible;

12. *Reaffirms* the importance of ensuring adequate and systematic training in the rights of the child for law enforcement and all professionals involved in activities concerning children, including teachers, judges, lawyers and social workers, as well as coordination between various bodies at the governmental and local levels;

II. PROTECTION AND PROMOTION OF THE RIGHTS OF THE CHILD

Identity, family relations and birth registration

13. *Calls upon* all States:

(*a*) To continue to intensify efforts to ensure the registration of all children, irrespective of their status, immediately after birth, including by the consideration of simplified, expeditious and effective procedures;

(*b*) To undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations, as recognized by law, without unlawful interference, and, where a child is illegally deprived of some or all of the elements of his or her identity, to provide appropriate assistance and protection with a view to re-establishing speedily his or her identity;

(*c*) To ensure as far as possible the right of the child to know and be cared for by his or her parents; to ensure that the child shall not be separated from his or her parents against their will, except when the competent authorities, subject to judicial review, determine, in accordance with applicable law and procedures and giving all interested parties an opportunity to participate in the proceedings and make their views known, that such separation is necessary for the best interests of the child; such determination may be necessary in a particular case, such as one involving abuse or neglect of the child by the parents or one where the parents are living separately and a decision must be made as to the child's place of residence; to respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests; where such separation results from action initiated by a State, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents of the child, that State shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family, unless the provision of the information would be detrimental to the well-being of the child, and, further, to ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned;

(*d*) To address cases of international abduction of children, bearing in mind that the best interest of the child shall be the primary consideration, and encourages States to engage in multilateral and bilateral cooperation to ensure, inter alia, the return of the child to the country where he or she resided immediately before the removal or retention and, in this respect, to pay particular attention to cases of international abduction of children by one of their parents or other relatives;

(*e*) To guarantee, to the extent consistent with each State's obligations, the right of a child whose parents reside in different States to maintain on a regular basis, save in exceptional circumstances, personal relations and direct contacts with both parents by providing means of access and visitation in both States and by respecting the principle that both parents have common responsibilities for the upbringing and development of their children;

(*f*) To take all appropriate measures, especially educational measures, to further promote the responsibility of both parents in the education, development and raising of children;

Poverty

Convinced that investments in children and the realization of their rights are among the most effective ways to eradicate poverty,

14. *Calls upon* States and the international community to cooperate, support and participate in the global efforts for poverty eradication at the global, regional and country levels, recognizing that strengthened availability and effective allocation of resources are required at all of these levels, in order to ensure that all the development and poverty reduction goals, as set out in the United Nations Millennium Declaration, are realized within their time framework, and to promote the enjoyment of the rights of the child;

Health

15. *Calls upon* all States to take all appropriate measures to develop sustainable health systems and social services and to ensure access to such systems and services without discrimination, and to pay particular attention to adequate food and nutrition to prevent disease and malnutrition, to prenatal and post-natal health care, to special needs of adolescents, to reproductive and sexual health and to threats from substance abuse and violence, in particular to all vulnerable groups, and calls upon all States parties to take all necessary measures to ensure the right of all children, without discrimination, to the enjoyment of the highest attainable standard of health in accordance with article 24 of the Convention on the Rights of the Child;

16. *Also calls upon* all States to give support and rehabilitation to children and their families affected by HIV/AIDS and to involve children and their caregivers, as well as the private sector, to ensure the effective prevention of HIV infections through correct information and access to voluntary and confidential care, treatment and testing, including pharmaceutical products and medical technologies, affordable to all, giving due importance to the prevention of mother-to-child transmission of the virus;

Education

17. *Calls upon* all States:

(*a*) To recognize the right to education on the basis of equal opportunity by making primary education free and compulsory for all, without discrimination and ensuring that all children, including girls, children in need of special protection, children with disabilities, indigenous children, children belonging to minorities and children from different ethnic origins, have access without discrimination to education of good quality, as well as making secondary education generally available and accessible for all, in particular by the progressive introduction of free education, bearing in mind that special measures to ensure equal access, including affirmative action, contribute to achieving equal opportunity and combating exclusion, and that the education of the child is carried out and that States parties develop and implement programmes for the education of the child in accordance with articles 28 and 29 of the Convention;

(*b*) To take all appropriate measures to prevent racism and discriminatory and xenophobic attitudes and behaviour through education, keeping in mind the important role that children play in changing these practices;

(*c*) To ensure that children, from an early age, benefit from education and from participation in activities which develop respect for human rights and emphasize the practice of non-violence, with the aim of instilling in them the values and goals of a culture of peace, and invites them to develop national strategies for human rights education which are comprehensive, participatory and effective;

(*d*) To ensure that education programmes and materials reflect fully the promotion and protection of human rights and values of peace, tolerance and gender equality, using every opportunity presented by the International Decade for a Culture of Peace and Non-Violence for the Children of the World (2001-2010);

(*e*) To harness the rapidly evolving information and communication technologies to support education at an affordable cost, including open and distance education, while reducing inequality in access and quality;

18. *Urges* States:

(*a*) To take measures to protect students from violence, injury or abuse, including sexual abuse and intimidation in schools, to establish complaint mechanisms that are accessible to children and to undertake thorough and prompt investigations of all acts of violence and discrimination;

(*b*) To take measures to eliminate the use of corporal punishment in schools;

Freedom from violence

19. *Requests* the independent expert to conduct the study on the question of violence against children as soon as possible, invites him to be based in Geneva in order to enhance his collaboration with the Office of the United Nations High Commissioner for Human Rights, the United Nations Children's Fund and the World Health Organization, invites Member States, United Nations bodies and organizations, including the Committee on the Rights of the Child, as well as other relevant intergovernmental organizations, to provide substantive and, where appropriate, financial support, including through voluntary contributions, for the effective conduct of the study and invites non-governmental organizations to contribute to the study, taking into account the recommendations of the Committee made following the general discussions on violence against children held in September 2000 and 2001, and, further, encourages the independent expert to seek also the participation of children in the study, taking into account their age and maturity;

20. *Requests* the Secretary-General to submit a substantive progress report on the study to the Commission at its sixtieth session and the final in-depth study to the Commission at its sixty-first session for its consideration, with the aim of evaluating all possible complementary measures and future actions;

21. *Requests* all relevant human rights mechanisms, in particular special rapporteurs and working groups, within their mandates, to pay attention to the special situation of violence against children, reflecting their experience in the field;

22. *Calls upon* all States to take all appropriate national, bilateral and multilateral measures to prevent, and to protect children from, all forms of physical, sexual and psychological violence, including violence occurring, inter alia, in the family, in public or private institutions, in society, or perpetrated or tolerated by private individuals, juridical persons or the State;

23. *Also calls upon* all States to investigate and submit cases of torture and other forms of violence against children to the competent authorities for the purpose of prosecution and to impose appropriate disciplinary or penal sanctions against those responsible for such practices;

III. NON-DISCRIMINATION

24. *Calls upon* all States to ensure that children are entitled to their civil, political, economic, social and cultural rights without discrimination of any kind;

25. *Notes with concern* the large number of children, particularly girls, among the victims of racism, racial discrimination, xenophobia and related intolerance, and stresses the need to incorporate special measures, in accordance with the principle of the best interests of the child and respect for his or her views, in programmes to combat racism, racial discrimination, xenophobia and related intolerance, in order to give priority attention to the rights and the situation of children who are victims of these practices, and calls upon States to provide special support and ensure equal access to services for those children;

26. *Calls upon* all States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist not to deny to a child belonging to such a minority or who is indigenous the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language;

The girl child

27. *Calls upon* all States to take all necessary measures, including legal reforms where appropriate:

(*a*) To ensure the full and equal enjoyment by girls of all human rights and fundamental freedoms, to take effective actions against violations of those rights and freedoms, and to base programmes and policies on the rights of the child, taking into account the special situation of girls;

(*b*) To eliminate all forms of discrimination against girls and all forms of violence, including female infanticide and prenatal sex selection, rape, sexual abuse and harmful traditional or customary practices, including female genital mutilation, the root causes of son preference, marriages without free and full consent of the intending spouses, early marriages and forced sterilization, by enacting and enforcing legislation and, where appropriate, formulating comprehensive, multidisciplinary and coordinated national plans, programmes or strategies protecting girls;

Children with disabilities

28. *Calls upon* all States to take necessary measures to ensure the full and equal enjoyment of all human rights and fundamental freedoms by children with disabilities in both the public and private spheres, including access to good quality education and health care, protection from violence, abuse and neglect and, where necessary, to develop and enforce legislation against their discrimination to ensure their dignity, promote their self-reliance and facilitate their active participation and integration in the community, taking into account the particularly difficult situation of children with disabilities living in poverty;

29. *Encourages* the Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities to consider the issue of children with disabilities in its deliberations;

Migrant children

30. *Calls upon* all States to ensure, for migrant children, the enjoyment of all human rights as well as access to health care, social services and education of good quality; States should ensure that migrant children and especially those who are unaccompanied, in particular victims of violence and exploitation, receive special protection and assistance;

IV. PROTECTION AND PROMOTION OF THE RIGHTS OF CHILDREN IN PARTICULARLY DIFFICULT SITUATIONS

Children working and/or living on the street

31. *Calls upon* all States to prevent violations of the rights of children working and/or living on the street, including discrimination, arbitrary detention and extrajudicial, arbitrary and summary executions, torture, all kinds of violence and exploitation, and to bring the perpetrators to justice, to adopt and implement policies for the protection, social and psychosocial rehabilitation and reintegration of these children, and also to adopt economic, social and educational strategies to address the problems of children working and/or living on the street;

Refugee and internally displaced children

32. *Calls upon* all States to protect refugee, asylum-seeking and internally displaced children, in particular those who are unaccompanied, who are particularly exposed to risks in connection with armed conflict, such as recruitment, sexual violence and exploitation, to pay particular attention to programmes for voluntary repatriation and, wherever possible, local integration and resettlement, to give priority to family tracing and reunification and, where appropriate, to cooperate with international humanitarian and refugee organizations;

Child labour

33. *Calls upon* all States to translate into concrete action their commitment to the progressive and effective elimination of child labour that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, and to immediately eliminate the worst forms of child labour, to promote education as a key strategy in this regard, including the creation of vocational training and apprenticeship programmes and the integration of working children into the formal education system, as well as to examine and devise economic policies, where necessary, in cooperation with the international community, that address factors contributing to these forms of child labour;

34. *Also calls upon* all States that have not yet done so to consider ratifying and implementing the 1999 Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labour (No. 182) and the 1973 Convention concerning the minimum age for employment (No. 138) of the International Labour Organization and calls upon States parties to these instruments to comply in a timely manner with their reporting obligations;

Children alleged to have or recognized as having infringed penal law

35. *Calls upon*:

(*a*) All States, in particular States in which the death penalty has not been abolished, to comply with their obligations as assumed under relevant provisions of international human rights instruments, including in particular articles 37 and 40 of the Convention on the Rights of the Child and articles 6 and 14 of the International Covenant on Civil and Political Rights, keeping in mind the safeguards guaranteeing protection of the rights of those facing the death penalty and guarantees set out in Economic and Social Council resolutions 1984/50 of 25 May 1984 and 1989/64 of 24 May 1989, and calls upon those States to abolish by law as soon as possible the death penalty for those aged under 18 at the time of the commission of the offence;

(*b*) All States to protect children deprived of their liberty from torture and other cruel, inhuman or degrading treatment or punishment;

(*c*) All States to take appropriate steps to ensure compliance with the principle that depriving children of their liberty should be used only as a measure of last resort and for the shortest appropriate period of time, in particular before trial, and to ensure that, if they are arrested, detained or imprisoned, children are provided with adequate legal assistance and are separated from adults, to the greatest extent feasible, unless it is considered in their best interest not to do so, and also to take appropriate steps to ensure that no child in detention is sentenced to forced labour, corporal punishment, or deprived of access to and provision of health-care services, hygiene and environmental sanitation, education, basic instruction and vocational training, taking into consideration the special needs of children with disabilities in detention, in accordance with their obligations under the Convention on the Rights of the Child;

V. PREVENTION AND ERADICATION OF THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

36. *Calls upon* all States:

(*a*) To take all appropriate national, bilateral and multilateral measures, inter alia to develop national laws and allocate resources for the development of long-term policies, programmes and practices and to collect comprehensive and disaggregated gender-specific data, to facilitate the participation of child victims of sexual exploitation in the development of strategies and to ensure the effective implementation of relevant international instruments concerning the prevention and the combat of trafficking and sale of children for any purpose or in any form, including the transfer of the organs of the child for profit, child prostitution and child pornography, and encourages all actors of civil society, the private sector and the media to cooperate in efforts to this end;

(*b*) To increase cooperation at all levels to prevent and dismantle networks trafficking in children;

(*c*) To consider ratifying or acceding to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

(*d*) To criminalize and effectively penalize all forms of sexual exploitation and sexual abuse of children, including within the family or for commercial purposes, child pornography and child prostitution, child sex tourism, the sale of children and their organs, and the use of the Internet for these purposes, while ensuring that, in the treatment by the criminal justice system of children who are victims, the best interests of the child shall be a primary consideration, and to take effective measures against the criminalization of children who are victims of exploitation and effective measures to ensure prosecution of offenders, whether local or foreign, by the competent national authorities, either in the country where the crime was committed, or in the offender's country of origin, or in the country of destination, in accordance with due process of law;

(*e*) In cases of the sale of children, child prostitution and child pornography, to address effectively the needs of victims, including their physical and psychological recovery and full reintegration into society;

(*f*) To combat the existence of a market that encourages such criminal practices against children, including through the adoption and effective application of preventive and enforcement measures targeting customers or individuals who sexually exploit or sexually abuse children, as well as ensuring public awareness;

(*g*) To afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings brought in respect of the offences set forth in article 3, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, including assistance in obtaining evidence at their disposal for the proceedings;

(*h*) To contribute to the elimination of the sale of children, child prostitution and child pornography by adopting a holistic approach, addressing the contributing factors, including underdevelopment, poverty, economic disparities, inequitable socio-economic structures, dysfunctioning families, lack of education, urban-rural migration, gender discrimination, irresponsible adult sexual behaviour, harmful traditional practices, armed conflicts and trafficking in children;

37. *Requests* the Special Rapporteur on the sale of children, child prostitution and child pornography to submit a report to the Commission at its sixtieth session;

VI. PROTECTION OF CHILDREN AFFECTED BY ARMED CONFLICT

Noting with appreciation the Agenda for War-Affected Children adopted by the International Conference on War-Affected Children, held in Winnipeg, Canada, in September 2000, and efforts by regional organizations to include prominently the rights and protection of children affected by armed conflict in their policies and programmes,

38. *Reaffirms* the essential role of the General Assembly, the Economic and Social Council and the Commission on Human Rights for the promotion and protection of the rights and welfare of children, including children in armed conflict, and takes note of the importance of the debates held by the Security Council on children and armed conflict, of Council resolutions 1379 (2001) of 20 November 2001 and 1460 (2003) of 30 January 2003, and of the undertaking by the Council to give special attention to the protection, welfare and rights of

children in armed conflict when taking action aimed at maintaining peace and security, including provisions for the protection of children in the mandates of peacekeeping operations, as well as the inclusion of child protection advisers in these operations;

39. *Stresses* the continuing importance of the Plan of Action on Children Affected by Armed Conflict of the International Red Cross and Red Crescent Movement and the resolution on this subject adopted at the twenty-seventh International Conference of the Red Cross and Red Crescent;

40. *Takes note* of the entry into force of the Rome Statute of the International Criminal Court (A/CONF.183/9) and notes in particular the inclusion therein, as a war crime, of conscripting or enlisting children under the age of 15 years or using them to participate actively in hostilities in both international and non-international armed conflicts;

41. *Calls upon* States:

(*a*) To end the recruitment of children and their use in armed conflicts contrary to international law, including obligations assumed under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labour (No. 182) of the International Labour Organization;

(*b*) When ratifying the Optional Protocol, to raise the minimum age for voluntary recruitment of persons into their national armed forces from that set out in article 38, paragraph 3, of the Convention, bearing in mind that under the Convention persons under 18 years of age are entitled to special protection, and to adopt safeguards to ensure that such recruitment is not forced or coerced;

(*c*) To ensure that children are not forcibly or compulsorily recruited into their armed forces and, where voluntary recruitment to the national armed forces under the age of 18 years is permitted, to ensure compliance with the safeguards under article 3, paragraph 3, of the Optional Protocol;

(*d*) To take all feasible measures to prevent recruitment and use of children by armed groups, as distinct from the armed forces of a State, including the adoption of legal measures necessary to prohibit and criminalize such practices;

(*e*) To take all feasible measures to ensure the demobilization and effective disarmament of children used in armed conflicts and to implement effective measures for their rehabilitation, physical and psychological recovery and reintegration into society, taking into account the rights and the specific needs and capacities of girls;

42. *Calls upon*:

(*a*) All States and other parties to armed conflict to respect fully international humanitarian law and, in this regard, calls upon States parties to respect fully the provisions of the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977;

(*b*) Armed groups that are distinct from the armed forces of a State not, under any circumstances, to recruit or use in hostilities persons under the age of 18 years;

(*c*) All States and relevant United Nations bodies and agencies and regional organizations to integrate the rights of the child into all activities in conflict and post-conflict situations, to ensure adequate child protection training of their staff and personnel and to facilitate the participation of children in the development of strategies in this regard, making sure that there are opportunities for children's voices to be heard;

(*d*) All States and relevant United Nations bodies to continue to support national and international mine action efforts, including through financial contributions, mine awareness programmes, mine clearance, victim assistance and child-centred rehabilitation, taking note of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, and welcomes the positive effects on children of concrete legislative and other measures with respect to anti-personnel mines, and also taking note of the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Amended Protocol II) to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, and the implementation of these instruments by those States that become parties to them;

43. *Recommends* that, whenever sanctions are imposed, in particular in the context of armed conflict, their impact on children be assessed and monitored and, to the extent that there are humanitarian exemptions, they be child-focused and formulated with clear guidelines for their application, in order to address possible adverse effects of the sanctions, and reaffirms the recommendations of the General Assembly and the International Conference of the Red Cross and Red Crescent;

VII. RECOVERY AND SOCIAL REINTEGRATION

44. *Encourages* States to cooperate, including through bilateral and multilateral technical cooperation and financial assistance, in the implementation of their obligations under the Convention on the Rights of the Child, including in the prevention of any activity contrary to the rights of the child and in the rehabilitation and social integration of the victims, such assistance and cooperation to be undertaken in consultation among concerned States and relevant international organizations as well as other relevant actors;

VIII.

45. *Decides*:

(*a*) To request the Secretary-General to submit to the Commission at its sixtieth session a report on the rights of the child, with information on the status of the Convention on the Rights of the Child and on the problems addressed in the present resolution;

(*b*) To continue its consideration of this question at its sixtieth session under the same agenda item.

63rd meeting
25 April 2003
[Adopted without a vote. See chap. XIII.]

B. Decisions

2003/101. Enhancement of the working methods of the Commission

At its 2nd meeting, on 17 March 2003, the Commission on Human Rights, taking note of the recommendations addressed by the Expanded Bureau of the fifty-eighth session to the Expanded Bureau of the fifty-ninth session pursuant to Commission decision 2002/115 and resolution 2002/91 of 26 April 2002 (E/CN.4/2003/118 and Corr.1), decided, without a vote, to endorse those recommendations and take them into account in the organization of its work and the conduct of business.

[See chap. III.]

2003/102. Organization of work

At its 2nd meeting, on 17 March 2003, the Commission on Human Rights decided, without a vote, to invite the following persons to participate in its meetings:

(*a*) In connection with item 5: Mr. E. Bernales Ballesteros, Special Rapporteur on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination;

(*b*) In connection with item 6: Mr. D. Diène, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;

(*c*) In connection with item 6: Mr. P. L. Kasanda, Chairperson-Rapporteur of the Working group of experts on people of African descent;

(*d*) In connection with item 6: Mr. J. E. Vega, Chairperson-Rapporteur of the Intergovernmental Working Group to make recommendations with a view to the effective implementation of the Durban Declaration and Programme of Action and to prepare complementary international standards to strengthen and update international instruments against racism, racial discrimination, xenophobia and related intolerance in all their aspects;

(*e*) In connection with item 7: Mr. A. Sengupta, independent expert on the right to development;

(*f*) In connection with item 7: Mr. B. M. Bowa, Chairperson-Rapporteur of the Working Group on the Right to Development;

(*g*) In connection with item 8: Mr. J. Dugard, Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967;

(*h*) In connection with item 9: Mr. K. Hossain, Special Rapporteur on the situation of human rights in Afghanistan;

(*i*) In connection with item 9: Mr. J. Cutileiro, Special Representative of the Commission on the situation of human rights in Bosnia and Herzegovina and in the Federal Republic of Yugoslavia;

(*j*) In connection with item 9: Ms. M.-T. Kéita-Bocoum, Special Rapporteur on the situation of human rights in Burundi;

(*k*) In connection with item 9: Ms. C. Chanet, Personal Representative of the United Nations High Commissioner for Human Rights on the situation of human rights in Cuba;

(*l*) In connection with item 9: Ms. I. A. Motoc, Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo;

(*m*) In connection with item 9: Mr. A. Mavrommatis, Special Rapporteur on the situation of human rights in Iraq;

(*n*) In connection with item 9: Mr. P. S. Pinheiro, Special Rapporteur on the situation of human rights in Myanmar;

(*o*) In connection with item 9: Mr. G. Baum, Special Rapporteur on the situation of human rights in the Sudan;

(*p*) In connection with item 9 (*b*): Ms. C. Abaka, independent expert on Liberia (procedure established in accordance with Economic and Social Council resolution 1503 (XLVIII));

(*q*) In connection with item 9 (*b*): Mr. F. Yimer, Chairperson-Rapporteur of the Working Group on Communications of the Sub-Commission on the Promotion and Protection of Human Rights; representatives of States in respect of which situations were being considered under item 9 (*b*);

(*r*) In connection with item 10: Mr. B. A. Nyamwaya Mudho, independent expert on the effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights;

(*s*) In connection with item 10: Mr. J. Ziegler, Special Rapporteur on the right to food;

(*t*) In connection with item 10: Ms. F. Z. Ouhachi-Vesely, Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights;

(*u*) In connection with item 10: Mr. M. Kothari, Special Rapporteur on adequate housing as a component of the right to an adequate standard of living;

(*v*) In connection with item 10: Ms. A.-M. Lizin, independent expert on the question of human rights and extreme poverty;

(*w*) In connection with item 10: Ms. K. Tomasevski, Special Rapporteur on the right to education;

(*x*) In connection with item 10: Mr. P. Hunt, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

(*y*) In connection with item 10: Mr. H. Kotrane, independent expert to examine the question of a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights;

(*z*) In connection with item 11 (*a*): Mr. T. van Boven, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment;

(*aa*) In connection with item 11 (*a*): Mr. L. Joinet, Chairperson-Rapporteur of the Working Group on Arbitrary Detention;

(*bb*) In connection with item 11 (*a*): Mr. J. Walkate, Chairperson of the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture;

(*cc*) In connection with item 11 (*b*): Ms. A. Jahangir, Special Rapporteur on extrajudicial, summary or arbitrary executions;

(*dd*) In connection with item 11 (*b*): Mr. D. García-Sayán, Chairperson-Rapporteur of the Working Group on Enforced or Involuntary Disappearances;

(*ee*) In connection with item 11 (*b*): Mr. B. Kessedjian, Chairperson-Rapporteur of the Intersessional open-ended working group to elaborate a draft legally binding normative instrument for the protection of all persons from enforced disappearance;

(*ff*) In connection with item 11 (*c*): Mr. A. Ligabo, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression;

(*gg*) In connection with item 11 (*d*): Mr. P. Cumaraswamy, Special Rapporteur on the independence of judges and lawyers;

(*hh*) In connection with item 11 (*e*): Mr. A. Amor, Special Rapporteur on freedom of religion or belief;

(*ii*) In connection with item 12: Mr. O. Jerandi, Chairperson of the Commission on the Status of Women;

(*jj*) In connection with item 12 (*a*): Ms. R. Coomaraswamy, Special Rapporteur on violence against women, its causes and consequences;

(*kk*) In connection with item 13: Mr. J. M. Petit, Special Rapporteur on the sale of children, child prostitution and child pornography;

(*ll*) In connection with item 13: Mr. O. A. Otunnu, Special Representative of the Secretary-General on the impact of armed conflict on children;

(*mm*) In connection with item 14 (*a*): Ms. G. Rodríguez Pizarro, Special Rapporteur on the human rights of migrants;

(*nn*) In connection with item 14 (*c*): Mr. F. M. Deng, Representative of the Secretary-General on internally displaced persons;

(*oo*) In connection with item 14 (*d*): Swami Agnivesh, Chairperson of the Board of Trustees of the United Nations Voluntary Fund on Contemporary Forms of Slavery;

(*pp*) In connection with item 15: Mr. L. E. Chávez, Chairperson-Rapporteur of the Working Group on a draft United Nations declaration on the rights of indigenous peoples;

(*qq*) In connection with item 15: Mr. R. Stavenhagen, Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people;

(*rr*) In connection with item 15: Ms. V. Tauli-Corpuz, Chairperson of the Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations and member of the Advisory Group of the Voluntary Fund for the International Decade of the World's Indigenous People;

(*ss*) In connection with item 16: Mr. P. S. Pinheiro, Chairperson of the Sub-Commission on the Promotion and Protection of Human Rights at its fifty-fourth session;

(*tt*) In connection with item 17: Mr. M. Alfonso Martínez, Special Rapporteur of the Sub-Commission on human rights and human responsibilities;

(*uu*) In connection with item 17 (*b*): Ms. H. Jilani, Special Representative of the Secretary-General on the situation of human rights defenders;

(*vv*) In connection with item 19: Mr. L. Joinet, independent expert appointed by the Secretary-General on the situation of human rights in Haiti;

(*ww*) In connection with item 19: Mr. P. Leuprecht, Special Representative of the Secretary-General for human rights in Cambodia;

(*xx*) In connection with item 19: Mr. G. Alnajjar, independent expert on the situation of human rights in Somalia;

(*yy*) In connection with item 19: Mr. T. Hammarberg, member of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights.

[See chap. III.]

2003/103. Organization of work

At its 13th meeting, on 24 March 2003, the Commission on Human Rights decided, without a vote, to revise its agenda as adopted by moving item 21, entitled "Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action", to become sub-item (*a*) of item 6, entitled "Racism, racial discrimination, xenophobia and all forms of discrimination".

[See chap. VI.]

2003/104. Decision relating to Chad under the procedure established in accordance with Economic and Social Council resolution 1503 (XLVIII)

At its 27th (closed) meeting, on 2 April 2003, the Commission on Human Rights decided, without a vote, to make public the resolution which it adopted [see annex below] relating to its consideration of the human rights situation in Chad under the procedure established in accordance with Economic and Social Council resolution 1503 (XLVIII).

[See chap. IX.]

ANNEX

Situation of human rights in Chad

The Commission on Human Rights,

Having considered the material relating to the human rights situation in Chad before it under the procedure established in accordance with Economic and Social Council resolutions 1503 (XLVIII) of 27 May 1970 and 2000/3 of 16 June 2000, alleging in particular that children have been forcibly recruited into the armed forces in northern Chad and sent to the front to detect mines and that those who refuse to obey have been killed, and making reference to reported arrests carried out with a view to forced recruitment and cases in which the parents of children recruited in this way are said to have been subjected to violence or to have been killed,

Noting that the replies received from the Government of Chad to the questions raised in the communications were incomplete,

Welcoming the important information provided orally during the 20th (closed) meeting on 28 March 2003 by the Minister of Justice of Chad concerning the questions raised in the communications and inviting the Government to submit it in writing,

Welcoming also the willingness of Chad, as expressed by the Minister of Justice of Chad, to cooperate fully with the special procedures of the Commission,

1. *Decides* to discontinue consideration of the situation of the human rights situation in Chad under the confidential procedure governed by Economic and Social Council resolution 1503 (XLVIII) and revised by Council resolution 2000/3;

2. *Also decides* to take up consideration of the matter under the public procedure provided for under agenda item 19;

3. *Requests* the Secretary-General to communicate this decision to the Government of Chad;

4. *Decides* to make public the present resolution.

2003/105. Decision relating to Liberia under the procedure established in accordance with Economic and Social Council resolution 1503 (XLVIII)

At its 27th (closed) meeting, on 2 April 2003, the Commission on Human Rights decided, without a vote, to make public the resolution which it adopted [see annex below] relating to its consideration of the human rights situation in Liberia under the procedure established in accordance with Economic and Social Council resolution 1503 (XLVIII).

[See chap. IX.]

ANNEX

Situation of human rights in Liberia

The Commission on Human Rights,

Having examined the material relating to the human rights situation in Liberia before it under the procedure established in accordance with Economic and Social Council resolutions 1503 (XLVIII) of 27 May 1970 and 2000/3 of 16 June 2000,

Recalling its confidential decision adopted in closed meeting on 4 April 2002 by which it appointed an independent expert under the confidential procedure regarding communications established in accordance with Economic and Social Council resolution 1503 (XLVIII) and with its resolution 2000/3, with the purpose of establishing direct contacts with the Government and the people of Liberia,

Having examined the detailed and comprehensive report of the independent expert on the situation of human rights in Liberia,

Expressing its appreciation to the independent expert for the quality of her report as well as the recommendations contained therein and to the Government of Liberia for its valuable cooperation with her and with the Commission,

Expressing concern about the human rights situation in the country as well as the overall situation of instability,

Considering that an effective follow-up should be given to the recommendations of the independent expert and that advisory services and technical cooperation in the field of human rights could contribute positively to improve the overall human rights situation in the country,

1. *Decides* to discontinue consideration of the human rights situation in Liberia under the confidential procedure governed by Economic and Social Council resolution 1503 (XLVIII) and revised by Council resolution 2000/3;

2. *Also decides* to take up consideration of this matter under the public procedure referred to in agenda item 19;

3. *Recommends* the appointment of an independent expert to follow up this new question;

4. *Invites* the Government of Liberia to adopt measures to ensure the effective functioning of its national institutions and human rights mechanisms and to improve the respect for human rights and fundamental freedoms throughout the country by providing, inter alia, human rights education;

5. *Recommends* to the Economic and Social Council that the report of the independent expert be made public so as to encourage assistance to the Government and the people of Liberia in restoring full respect for human rights and fundamental freedoms;

6. *Requests* the Secretary-General to communicate the decision of the Commission to the Government of Liberia;

7. *Decides* that the present resolution should be made public.

2003/106. Question of human rights in Cyprus

At its 54th meeting, on 17 April 2003, the Commission on Human Rights decided, without a vote, to retain on its agenda sub-item (*a*), entitled "Question of human rights in Cyprus", of the item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world" and to give it due priority at its sixtieth session, it being understood that action required by previous resolutions of the Commission on the subject would continue to remain operative, including the request to the Secretary-General to submit a report to the Commission regarding their implementation.

[See chap. IX.]

2003/107. The Social Forum

At its 56th meeting, on 22 April 2003, the Commission on Human Rights, taking note of resolution 2002/12 of 14 August 2002 of the Sub-Commission on the Promotion and Protection of Human Rights, decided, by a recorded vote of 36 votes to 1, with 16 abstentions, to recommend to the Economic and Social Council that it authorize the Sub-Commission to convene in Geneva an annual intersessional forum on economic, social and cultural rights, to be known as the "Social Forum", for two days on dates that would permit the possible participation of 10 members of the Sub-Commission, to be appointed by the regional groups of the Sub-Commission, and that the Council also authorize the provision of all the necessary facilities for the preparation and servicing of the event.

[See chap. X.]

2003/108. Discrimination in the criminal justice system

At its 59th meeting, on 23 April 2003, the Commission on Human Rights, taking note of resolution 2002/3 of 12 August 2002 of the Sub-Commission on the Promotion and Protection of Human Rights, decided, without a vote:

(*a*) To approve the decision of the Sub-Commission to appoint Ms. Leïla Zerrougui as Special Rapporteur to conduct a detailed study of discrimination in the criminal justice system with a view to determining the most effective means of ensuring equal treatment in the criminal justice system for all persons without discrimination, particularly vulnerable persons, and to request the Secretary-General to provide the Special Rapporteur with any assistance necessary to enable her to fulfil her mandate, including the assistance of a consultant having specialized knowledge of the subject;

(*b*) To approve the request that the Special Rapporteur submit a preliminary report to the Sub-Commission at its fifty-fifth session, a progress report at its fifty-sixth session and a final report at its fifty-seventh session.

[See chap. XI.]

2003/109. Housing and property restitution in the context of refugees and other displaced persons

At its 60th meeting, on 24 April 2003, the Commission on Human Rights, taking note of Sub-Commission on the Promotion and Protection of Human Rights resolution 2002/7 of 14 August 2002 and recalling its own resolution 1999/47 of 27 April 1999 in which it encouraged the Sub-Commission to continue its work on the matter of housing and property restitution in the context of the return of refugees and internally displaced persons, decided, without a vote, to endorse the decision of the Sub-Commission to appoint Mr. Paulo Sérgio Pinheiro as Special Rapporteur with the task of preparing a comprehensive study on housing and property restitution in the context of the return of refugees and internally displaced persons based on his working paper (E/CN.4/Sub.2/2002/17) as well as on the comments made and the discussions that took place at the fifty-fourth session of the Sub-Commission and the fifty-eighth session of the Commission, and to endorse the Sub-Commission's request to the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-fifth session, a progress report at its fifty-sixth session and a final report at its fifty-seventh session.

[See chap. XIV.]

2003/110. Indigenous peoples' permanent sovereignty over natural resources

At its 60th meeting, on 24 April 2003, the Commission on Human Rights, taking note of Sub-Commission on the Promotion and Protection of Human Rights resolution 2002/15 of 14 August 2002, decided, by a recorded vote of 34 votes to 8, with 10 abstentions, to endorse:

(*a*) The Sub-Commission's request to appoint Ms. Erica-Irene Daes as Special Rapporteur to undertake a study on indigenous peoples' permanent sovereignty over natural resources based on her working paper (E/CN.4/Sub.2/2002/23) and its request to the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-fifth session and her final report at its fifty-sixth session;

(*b*) The request to the Secretary-General to provide the Special Rapporteur with all necessary assistance to enable her to carry out her study.

[See chap. XV.]

2003/111. Presentation of the report of the Working Group on Indigenous Populations on its twentieth session to the Permanent Forum on Indigenous Issues

At its 61st meeting, on 24 April 2003, the Commission on Human Rights, taking note of resolution 2002/20 of 14 August 2002 of the Sub-Commission on the Promotion and Protection of Human Rights, decided, without a vote, to approve the decision to invite the Chairperson-Rapporteur of the twentieth session of the Working Group on Indigenous Populations to attend the second session of the Permanent Forum on Indigenous Issues in 2003 and to present to it the report of the twentieth session of the Working Group, and to recommend to the Economic and Social Council that it endorse the present decision.

[See chap. XV.]

2003/112. The prevention of human rights violations caused by the availability and misuse of small arms and light weapons

At its 62nd meeting, on 25 April 2003, the Commission on Human Rights, taking note of Sub-Commission on Promotion and Protection of Human Rights resolution 2002/25 of 14 August 2002, decided, without a vote, to endorse:

(*a*) The decision of the Sub-Commission to appoint Ms. Barbara Frey as Special Rapporteur with the task of preparing a comprehensive study on the prevention of human rights violations committed with small arms and light weapons based on her working paper (E/CN.4/Sub.2/2002/39) as well as the comments received and the discussion that took place at the fifty-fourth session of the Sub-Commission and the fifty-eighth session of the Commission, and the decision of the Sub-Commission to request the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-fifth session, a progress report at its fifty-sixth session and a final report at its fifty-seventh session;

(*b*) The request to the Secretary-General to provide the Special Rapporteur with all the assistance necessary to enable her to accomplish her task.

[See chap. XVII.]

2003/113. Enhancement of the functioning of the Office of the United Nations High Commissioner for Human Rights in regard to the operation of the mechanisms of the Commission on Human Rights

At its 62nd meeting, on 25 April 2003, the Commission on Human Rights, taking note with interest of the report of the United Nations High Commissioner for Human Rights (E/CN.4/2003/14) in which the High Commissioner advances ideas to move forward the reforms called for by the Secretary-General for the strengthening of the special procedures system and the improved management of the Office of the United Nations High Commissioner for Human

Rights, including the creation of a dedicated special procedures branch consisting of a solid cadre of human rights professionals supporting special procedures, decided by a recorded vote of 28 votes to 24, with 1 abstention to request the High Commissioner:

(*a*) To ensure more effective coordination among the various branches of his Office in order to preclude any overlapping and/or duplication among all the mechanisms mandated by and/or reporting to the Commission referred to in the report of the Open-ended intersessional working group on enhancing the effectiveness of the mechanisms of the Commission annexed to Commission decision 2000/109 of 26 April 2000;

(*b*) To ensure that communications received or urgent appeals issued under the special procedures system are forwarded to the country concerned with written authorization from the special rapporteurs, independent experts or working groups in accordance with the basic criteria and standards of admissibility existing in this connection;

(*c*) To discontinue the present practice of transmitting ex officio monthly lists of communications and their contents to other organs/bodies of the United Nations system, regardless of the nature or characteristics of these communications, unless express authorization to this effect has been granted by the Commission and the Economic and Social Council;

(*d*) To report to the Commission at its sixtieth session under the same agenda item on the steps and measures taken to implement the present decision.

[See chap. XVIII.]

2003/114. Organization of work of the sixtieth session of the Commission on Human Rights

At its 62nd meeting, on 25 April 2003, the Commission on Human Rights, taking into account its heavy schedule of work as well as the need to give adequate consideration to all the items on its agenda decided, without a vote:

(*a*) To recommend to the Economic and Social Council that it authorize eight fully serviced additional meetings, including summary records, in accordance with rules 29 and 31 of the rules of procedure of the functional commissions of the Council, for the Commission's sixtieth session;

(*b*) To request the Chairperson of the sixtieth session of the Commission to make every effort to organize the work of the session within the time normally allotted so that the additional meetings that the Council might authorize would be utilized only if they proved to be absolutely necessary.

[See chap. III.]

2003/115. Dates of the sixtieth session of the Commission on Human Rights

At its 62nd meeting, on 25 April 2003, the Commission on Human Rights, recalling decision 1994/297 of 29 July 1994 of the Economic and Social Council, and taking into account Council decisions 1997/291 of 22 July 1997 and 2002/278 of 25 July 2002, decided, without a vote, that the first meeting of the Commission would be held on the third Monday in January with the sole purpose of electing its officers, and that the sixtieth session of the Commission would be held from 15 March to 23 April 2004.

[See chap. III.]

2003/116. Intersessional activities of the Bureau

At its 62nd meeting, on 25 April 2003, the Commission on Human Rights decided, without a vote, to authorize its Bureau, working together with the regional coordinators, after the conclusion of the fifty-ninth session and in full consultation of all regional groups, to consider steps which could be recommended to the Expanded Bureau of the sixtieth session in order to improve further the organization of work of the Commission based, inter alia, on Commission decision 2003/101 of 17 March 2003 which endorsed the recommendations of the Expanded Bureau of the fifty-eighth session (E/CN.4/2002/118 and Corr.1).

[See chap. III.]

2003/117. International Decade of the World's Indigenous People

At its 63rd meeting, on 25 April 2003, the Commission on Human Rights, taking note of resolution 2002/19 of 14 April 2002 of the Sub-Commission on the Promotion and Protection of Human Rights, decided, without a vote, to recommend to the Economic and Social Council that it request the United Nations High Commissioner for Human Rights to organize, before the end of the International Decade of the World's Indigenous People, a seminar on treaties, agreements and other constructive arrangements between States and indigenous peoples to explore possible ways and means to follow up on the recommendations included in the final report of the Special Rapporteur, Mr. Miguel Alfonso Martínez (E/CN.4/Sub.2/1999/20).

[See chap. XV.]

2003/118. Postponement of consideration of draft resolution E/CN.4/2003/L.92 and the proposed amendments thereto (E/CN.4/2003/L.106-110)

At its 63rd meeting, on 25 April 2003, the Commission on Human Rights decided, by a recorded vote of 24 votes to 17, with 10 abstentions, to postpone consideration of draft resolution E/CN.4/2003/L.92 entitled "Human rights and sexual orientation" and the proposed amendments thereto (E/CN.4/2003/L.106-110) until its sixtieth session, under the same agenda item.

[See chap. XVII.]
